

AN ABRIDGMENT *of*
THE VIRGINIA LAWS
CONCERNING EDUCATION



ANNA L. JONES



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AN ABRIDGMENT
OF
THE VIRGINIA LAWS
CONCERNING EDUCATION

BY

ANNA L. JONES,
OF LYNCHBURG, VIRGINIA.



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INTRODUCTION

The Constitution of Virginia makes mandatory the establishment and maintenance by the General Assembly of an efficient system of public free schools throughout the State; empowers that body to establish agricultural, normal, manual training, and technical schools, and such graded schools as may be for the public good, and provides for the government of State institutions of learning. Const., §§ 129-142.

The General Assembly of Virginia, by Chapters 66-73 of the Code, as supplemented and amended by other sections, and by subsequent Acts, has provided for a system of public free schools, for the continuance of various State institutions of learning, the establishment and maintenance of other institutions and agencies educational in their character, and has made provision for their organization and administration, and—to some extent—for their support.

This abridgment treats of all constitutional and statutory provisions of the Virginia law concerning the educational interests of the State as laid down in the latest amendments to the Constitution and the most recent enactments of the General Assembly. These latest amendments are noted in every case in the Tables of Part IV, which show in numerical order all sections of the Constitution and Code and all Acts of the Assembly herein referred to. No extraneous matter has been incorporated.

The references, except as otherwise plainly stated, are to Pollard's Code of 1904, the Supplement thereto of 1910, Pollard's Code Biennials of 1912 and 1914, and the Acts of Assembly, including Acts of Extra Session of 1915.

For members of the bar, school officials in high authority, and a few other people, the classified and annotated collections of the statute laws of the State known as "Pollard's Codes" are readily available, but to the average citizen, unaccustomed to the use of so technical a work, they are for practical purposes inaccessible. For the careful student with time and inclination to study meanings out from the mass of uncoded material found in the Acts of Assembly since the last revision of the

State Code, the compilation of "Virginia School Laws" issued by the Department of Public Instruction affords a conveniently compact copy of the public school laws. For the mass of the people, however, who desire, as a basis for intelligent service, an accurate knowledge of the laws of the State concerning education, there has been no dependable source of information open for easy reference and ready comprehension.

To meet that need I have prepared this volume. I trust it will fulfil its mission of bringing within convenient reach a general knowledge of the provision made by the State for the education of her people, to the end that intelligent interest may quicken to wise action, directed toward the enforcement of existing good laws, the repeal of unwise ones, and the enactment of the additional statutes needed to equip Virginia for her rightful place in the forefront of the fight against illiteracy—the battle upon which the success of our Republic depends.

The book will serve as an authoritative and convenient reference digest for all persons who have occasion to take action under the school laws.

The Appendix gives in form less abridged, and frequently quotes entire, Regulations of the State Board of Education, rearranged (with apologies to the Department of Public Instruction) in an effort to collect them into a convenient synopsis.

There will also be found in the Appendix a list of the public school officials of the State, the Rules and Regulations of the State Board of Health Governing the Public Schools, and the provisions made by the Act of Congress of May 8, 1914, for extension work in agriculture and home economics.

In the preparation of the work I have been much indebted to Mr. R. Colston Blackford for the use of his valuable library, and to the Honorable R. C. Stearnes, Superintendent of Public Instruction, for his ready and courteous response to every request for official information from the Department of Public Instruction.

ANNA L. JONES.

Lynchburg, Va., November, 1915.

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Part I.

ORGANIZATION AND ADMINISTRATION OF THE PUBLIC FREE SCHOOL SYSTEM

Virginia Laws Concerning Education

CHAPTER I

ORGANIZATION OF THE PUBLIC FREE SCHOOL SYSTEM

"The General Assembly shall establish and maintain an efficient system of public free schools throughout the State." Constitution, § 129.

"The General Assembly may establish agricultural, normal, manual training and technical schools, and such grades of schools as shall be for the public good." Const., § 137.

"An efficient system of public free schools shall be established and maintained in all the counties, towns, and cities of the State." Code, §§ 1427, 1522.

"The public free school system shall be administered by the following authorities, to-wit: A State Board of Education, a Superintendent of Public Instruction, division superintendents of schools, and district and county school boards." Code, § 1428.

THE PUBLIC FREE SCHOOLS ESTABLISHED IN VIRGINIA

Graded Schools

The State Board of Education has power to regulate the number of pupils required to form a public free school. Code, § 1495.

In all localities where the number of children is sufficient, preference must be given, under suitable regulations, to the establishment of graded schools, but the number of schools in the State must be determined by the amount of available funds; and it is the duty of the State Board of Education to guard against such a multiplication of schools in proportion to funds as will in any way impair their efficiency. To this end, district schools boards are authorized to provide for the consolidation of schools and the transportation of pupils. Code, §§ 1433(7), 1502, 1503.

A joint school may, with the consent of the State Board of Education, be established in two adjacent districts, in the same, or adjoining counties, for the use of both districts.

Acts 1914, p. 278. Biennial 1914, p. 426; Appendix, pp. 229-30.

City Public School Systems

City school boards have the power and duty of establishing such schools as in their judgment may be necessary to the completeness and efficiency of their respective school systems (Code, § 1538(6)), and cities and towns are empowered by § 141 of the Constitution to make appropriations to any schools or institutions of learning owned or exclusively controlled by them. See also Code, § 1522.

High Schools

For the purpose of encouraging an intermediate grade of instruction between grammar school and college, any school board may, under regulations of the State Board of Education, establish and maintain schools of a higher grade; or, in any public school provide for instruction in any branches necessary to qualify pupils to teach in the public schools or to enter institutions of higher education, with the right to the school board to charge each pupil a fee of not exceeding \$2.50 per month. But regular and efficient instruction in the elementary branches must not be thereby interfered with. Code, §§ 1498, 1499, 1538(6); Acts 1906, p. 350, Supplement 1910, p. 663. See Appendix, pp. 230-3-5.

The State Board of Education must be satisfied by report of a competent inspector, selected by it, that such schools conform to the standard it has fixed for public high schools in Virginia before any State funds may be appropriated for their support. When satisfied with the standard of any such school, it is the duty of State Board to make an annual appropriation of \$250.00 toward its support, upon receiving a certificate from the superintendent of schools for the division in which it is located that the district school board has appropriated at least that amount for its annual support, either from local school funds or from funds privately subscribed for the purpose; and if any district board appropriates a larger amount, the State Board must make an equal increase in its appropriation, but not to exceed \$400.00 for any one high school in any one year. No State funds may be used in a district for high school purposes until provision has been made to maintain its primary and grammar schools for at least five months.

Subject to the above limitations, it is made lawful by said Act of 1906 for any district school board to establish and main-

tain a public high school, located for the best interests of the school, and the best convenience of the pupils who are to attend it, either in a suitable building provided for the purpose, or in some building with one of the graded schools.

Unless, in the judgment of the State Board of Education, the area and population of a district so justify, not more than one high school in any school district may have the benefit of State funds under said Act of 1906.

Two or more districts, in the same or adjoining counties, may unite in establishing and maintaining a joint high school, under rules and regulations prescribed by the State Board of Education: the requirements for admission and the conditions upon which properly prepared pupils from other districts may attend, to be also prescribed by the State Board.

See Appendix, pp. 230-3-5.

Night Schools

In districts where day schools are conducted eight or more months each year, district school boards may, in their discretion, establish and conduct night schools to which pupils may be admitted regardless of age. But no such school may be established or conducted except with the consent of the State Board of Education, in cases where in its opinion the usefulness and efficiency of the day schools will not be impaired thereby, and under rules and regulations prescribed by it. Code, § 1494. See Appendix, p. 235.

Agricultural High Schools

In at least one public high school, selected by the State Board of Education, in each congressional district (as the districts were formed in January, 1912), there must be given, in addition to the academic course prescribed for such high schools, a thorough course in agriculture, the domestic arts and sciences, and manual training; at least one-fourth of the school time to be devoted to these subjects.

Not less than five acres of land convenient to each of such schools must be acquired by lease, purchase or donation, for the purpose of providing practical demonstrations in agricultural science; the cultivation of the land, so far as possible, to be done by the students themselves. A careful account is required to be kept of the products of each student's labor,

showing how disposed of, and the prices received for what is sold; the proceeds to be used in accordance with general regulations adopted by the district school board of the county wherein the school is located, subject to approval by the State Board of Education.

Suitable buildings must be provided and equipped for the purposes of such schools, including workshops planned for practical instruction in elementary manual training, in bench work, and in other forms of shop work applicable to rural life.

All female students attending such high schools must be instructed in the domestic arts and sciences, suitable equipment therefor to be provided by the district school boards out of the funds applicable to the maintenance and equipment of the school. The girls may also take the agricultural course, if they so desire.

These agricultural high schools may be used as centres for directing the demonstration farm work and other extension work throughout the bounds of the several congressional districts, conducted under such rules and regulations as the State Board of Education and the president of the V. P. I. may prescribe. Acts 1912, p. 56, Biennial 1912, p. 209.

Part-time, Continuation, or Evening Classes for Industrial Education

Any district school board may establish all-day, part-time or continuation or evening classes, giving industrial, agricultural, household arts or commercial education, and provide for their support in the same manner as for the regular schools of the district; such education to be of less than college grade, designed to meet the vocational needs of persons over fourteen years of age, who are able to profit by the instruction. Acts 1914, p. 144, Biennial 1914, p. 402.

Normal Schools

City school boards have power to establish normal schools. Code, § 1538(6).

The State Board of Education must designate not more than one high school in successful operation in a county in which a normal department may be established and conducted; prescribe the normal course to be adopted and taught in connection with the high school curriculum already provided, and de-

termine the qualifications of the teachers to be employed. Or, in its discretion, the State Board may designate a school in an incorporated town or city of the county, provided no State normal school is located therein.

The object of such normal departments is to instruct teachers in the best methods of organizing, teaching and managing primary schools in the rural districts, thus giving a convenient and economical means for providing the trained and capable teachers indispensable to an efficient school system.

The State Board of Education, in its discretion, may stipulate that any pupil receiving the benefit of such normal course of training shall obligate himself to teach not less than two years in the rural public schools of the State.

Acts 1908, p. 69, Supplement 1910, p. 728.

Summer Normal Schools

For White Teachers—

Section 1481 of the Code provides for the establishment and maintenance of not less than eight State summer schools for the better equipment of the teachers in the public schools of the State, by familiarizing them with more advanced methods of teaching, and furnishing such additional academic training as will tend to promote the usefulness of the public schools.

These schools are required to be held for a period of not less than four weeks in each year, during the summer vacation, under the general management of the State Board of Education, and are supervised by the superintendent of public instruction, who determines the dates of beginning, the places at which held, the courses of instruction, and the instructors.

No Virginia teacher may be charged tuition in these summer normal schools; and no officer or teacher in the public school system, or in any of the State institutions of learning, employed by the calendar year, may be paid as an officer or instructor in the summer school and for the same period as a teacher or officer in the public school system, or in a State institution; but he has the right to choose for which service he will accept payment. Act Appropriating the Public Revenues, 1914, p. 328.

For Colored Teachers—

Sub-sections 15-18, inclusive, of § 1613 of the Code provide for the conduct every year of a summer normal school by the

president, professors and teachers of the Virginia Normal and Industrial Institute, for the benefit of the colored teachers of the public schools of the State and those colored persons who expect to become teachers.

This school opens upon a date designated by the board of visitors of said institute, not later than July 1st, in each year, and continues four weeks, giving instruction in such branches as relate to the academic and professional improvement of teachers.

The teachers in attendance are privileged to occupy the institute buildings, and to be furnished with the same accommodations as to board and lodging as the regular students; the charge for board and lodging to each teacher not to exceed \$2.00 a week. They are subject, while students in this summer school, to such rules and regulations as to government and discipline as the board of visitors of the said institute may approve.

The regular employees of the institute are required to perform such services during the summer term as the institute authorities may require; the annual salary allowed to the president, professors, teachers and other employees covers the time they are on duty in the summer school work. The board of visitors may employ other competent and skilled instructors to assist the regular faculty. Code, § 1613(16).

The president of the institute, with the approval of the board of visitors, may issue circulars or adopt such other means as may be deemed expedient for giving due notice of the time when the summer normal will begin, and the courses of instruction to be given.

The teachers attending must be given such certificates of merit as the authorities of the institute may prescribe.

Nothing in the above provisions for a summer normal may be construed as affecting the authority of the superintendent of public instruction to use any funds at his disposal for promoting and encouraging a system of normal instruction among the colored teachers in other parts of the State. Code, § 1633.

Courses of Study for Common and High Schools—

In these common and high schools there must be taught orthography, reading, writing, arithmetic, grammar, geography, history of the United States and of Virginia, physiology and hygiene, drawing and civil government. In teaching physiology and hygiene, approved text books must be used, plainly show-

ing the effects of alcohol and other narcotics on the human system, and such effects shall be as fully and thoroughly taught as are other branches of said subjects. Provision must also be made, throughout the entire course, for moral education, through instruction imparted by reading books and studying text books selected by the State Board of Education, inculcating the virtues of a pure heart and noble life. Code, § 1497. (See pp. 26, 32, post.) Appendix, p. 235.

It is the duty of every teacher, under information prepared, published, and distributed by the superintendent of public instruction, to devote not less than thirty minutes in each month of the school session to instructing pupils in ways and means of preventing accidents. Acts of 1914, p. 212, Biennial 1914, p. 415. (See pp. 25, 35, post.)

Agriculture, Domestic Science and Art, Manual Training, and Commercial Education—

The State Board of Education is authorized and directed to investigate conditions and assist in the introduction of industrial, agricultural, household arts and commercial education, and to aid local school authorities to initiate and superintend the establishment and maintenance of schools and departments of schools, or other agencies, for such forms of education. Acts 1914, p. 144, Biennial 1914, p. 402.

Public Free School Libraries

(See p. 98)

**DISTRIBUTION, USE, AND MANAGEMENT OF THE PUBLIC
FREE SCHOOLS**

Distribution of Schools by Districts

School Districts in Counties—

Each magisterial district constitutes a separate school district, unless the State Board of Education provides for re-districting a county where the interests of the schools require it. Code, § 1469.

The school districts in each county must be given numbers or names, and a record made thereof, and of their boundaries, in the office of the clerk of the circuit court, and a report of

these facts filed in the office of the superintendent of public instruction. Code, § 1467, pp. 31, 36.

Section 111 of the Constitution of 1902 provided that the magisterial districts should remain as then constituted until changed by law, and that thereafter no additional districts might be made containing less than thirty square miles. See Code, §§ 803, 804.

School Districts in Cities and Towns—

City school boards have power, subject to approval by the city council, to prescribe the number and boundaries of school districts; but until such provision is made, in every city divided into wards, each ward is a school district, its number and boundaries to be reported for record by the superintendent of public instruction, and by the clerk of the court having jurisdiction. Every city or town which is not divided into wards constitutes a single school district. Code, § 1524.

A city declared to be of the second class constitutes one separate school district in the county in which located. Acts 1908, p. 3, Supplement 1910, p. 718. See p. 40, post.

A town of more than five hundred inhabitants may, at the discretion of its council, be constituted a single school district. Code, § 1469. See p. 40, post.

First- and Second-Class Cities and Towns Defined—

Section 116 of the Constitution provides that the words "incorporated communities" shall be construed to relate only to cities and towns, and that all incorporated communities having within defined boundaries a population of five thousand or more shall be known as cities, and those with less than five thousand shall be known as towns; excepting only such incorporated communities of less than five thousand inhabitants as were chartered as cities at the time of the adoption of the Constitution of 1902. Code, §§ 1013a, 1013b.

Cities having a population of ten thousand or more are known as cities of the first class, and those with more than five thousand and less than ten thousand are known as cities of the second class. See Acts 1906, pp. 21, 230, and Acts 1908, p. 3, Supplement 1910, pp. 544, 644, 713.

School Laws Applicable Alike to Cities, Towns, and Counties—

Exceptions—

The provisions of Chapter 66 of the Code, concerning education, embracing §§ 1427-1521, inclusive, are applicable to the

cities and towns in like manner as to the counties of the State, except as provided in Chapter 67, embracing §§ 1522-1538, inclusive. Code, § 1522.

School Population

School Age—

The public free schools of Virginia are free to all persons between the ages of seven and twenty years residing within the school district. Code, § 1492.

Any child six years of age who in the opinion of the teacher or division superintendent has reached such a stage of maturity as to render it advisable to permit him to enter school must also be admitted. Acts 1914, p. 141, Biennial 1914, p. 402.

At the discretion of the district school board, under regulations prescribed by the State Board of Education, pupils between the ages of twenty and twenty-five may likewise be admitted upon the prepayment of tuition fees, and to the night schools pupils may be admitted regardless of age; provided in either case that their admission will not in the opinion of the district board impair the usefulness and efficiency of the school. Code, § 1494. See Appendix, p. 235.

White and Colored Schools—

White and colored children must be taught in separate schools (Const., § 140) under the same general regulations as to management, usefulness and efficiency. Code, § 1492.

One-sixteenth colored blood makes a negro, and one-fourth Indian blood an Indian. Code, § 49.

School Census—

The school population in each district is ascertained by a school census taken every five years. The last school census in Virginia was taken in April and May of 1915. Section 1462 of the Code provides that every five years the clerk of each district school board shall, in person or by deputies approved by the division superintendent, take a census of all persons between the ages of seven and twenty years residing within the school district, and gather statistics relating to the interests of education therein, according to forms furnished by the superintendent of public instruction. These lists, promptly and carefully revised by the district school board, and delivered to the division superintendent, are open to inspection by any citizen, and, until

the next census is taken, form the basis of apportionment of the State school funds. In the counties, the census returns are laid before the county school board at its annual meeting in August before they are delivered to the division superintendent. See also Acts 1910, p. 208, Supplement 1910, p. 882.

Census of Deaf and Blind.—At the same time, the clerk is required to take a separate census of the deaf and blind persons residing in the district, between seven and twenty years of age, giving age, sex, and residence of each, for transmission by the division superintendent to the superintendent of the School for Deaf and Blind. Code, § 1463. See pp. 38, 43, post.

Census when District Boundaries changed.—When boundaries of districts are changed, a census must be taken of the children in the territory concerned, showing which of those on the preceding census books have been transferred, and the records of the district amended accordingly, as a new basis for the apportionment of the State school funds. Code, § 1463a.

Census returns for districts situated in more than one county must show in which county each child resides. Act 1910, p. 208, Supplement 1910, p. 882.

Distribution of Pupils by Districts—

Section 1492 of the Code provides that the public free schools shall be free to all persons between the ages of seven and twenty years residing within the school district; “provided, that whenever a school is so situated in one district that it is, with the approval of the division superintendent, attended by children of another district, the board of the district other than that in which the school is located shall, in the absence of agreement or when no agreement can be reached, pay for each child to the district in which the school is located the cost of education per pupil enrolled, to be determined by the division superintendent of schools, with right of appeal by any person interested, or either of the district school boards, either with reference to the propriety of the said attendance by children of another district or the cost of education as aforesaid, within ninety days; the said appeal to be made in writing to the school trustee electoral board of the county in which the school is located; and the State Board of Education shall have power and it shall be its duty to make regulations whereby the children of one district may attend school in an adjoining district, out of the county or an adjoining city; provided that white and

colored persons shall not be taught in the same school, but shall be taught in separate schools, under the same general regulations as to management, usefulness and efficiency."

Code, § 1493. "The preceding section is subject to the following qualifications:

"First. Any person domiciled in this State who is a resident of any school district of the State may send his children to any public free school in any other school district of the State upon such terms and conditions as may be prescribed by the school board of the said last mentioned school district, and any guardian domiciled in this State as aforesaid, for his ward or wards, shall be entitled to the same privilege for them if they are domiciled in Virginia, which said terms and conditions shall be complied with by the school district in which said parent or guardian resides; provided that the said school district in which said parent or guardian resides shall have the right of appeal to the school trustee electoral board of the county in which the said district is situated, which said school trustee electoral board shall decide finally what are just and proper terms and conditions in each case; and, provided further, that children whose parents or guardians do not reside in a city shall be received into the public schools of such city only upon such terms and conditions as may be prescribed by the school board thereof; subject to an appeal to the State Board of Education, but the provisions of this act shall not apply to indigent children, and children living with and entirely supported by residents of said district shall be admitted to the public free schools of said district as if they were children of said residents.

"Second. The school board of any district bordering on another State which grants the same privilege to the State of Virginia, may, in its discretion, admit into its schools, free of tuition, persons of school age residing beyond the limits of this State, but near thereto, if their parent or guardian pay taxes in the said district.

"Third. Attendance shall be upon the school in the district nearest to the residence of the pupils, unless otherwise ordered by the district school board subject to the regulations of the State Board of Education." See Appendix, p. 236.

Compulsory Education—

Constitutional Provision.—The General Assembly may, in its discretion, provide for compulsory education of children be-

tween the ages of eight and twelve years, except those weak in body or mind, those who can read and write, those who are attending private schools, and those excused for cause by district trustees. Const., § 138.

Statutory provision—under local option.—The provisions of the compulsory education law apply only in those counties, cities, towns or magisterial districts, constituting separate school districts, where the question has been submitted to the qualified voters in the manner provided in the Act of Assembly, passed March 14, 1908 (p. 640) and adopted by them as applicable to the residents of their respective districts.

Petition for submission of the question may be made to the judge of the court having jurisdiction by a majority of any county, city, or town school board, acting through the division superintendent, or by a number of qualified voters equal to one-third the number of votes cast in the district concerned at the last regular November election.

In a school district where the compulsory education law is adopted as above, it becomes effective at the beginning of the next school year following the election, and every parent, guardian, or other person having charge or control of any child between the ages of eight and twelve years residing in the district is thereafter required to send such child to a public school of the State for at least twelve weeks in each school year (at least six weeks of which must be consecutive) unless excused by the district trustees for cause, or unless the child be weak in body or mind, or can read and write, or is attending a private school, or lives more than two miles by the usual traveled route from the nearest public school or more than one mile from the line of an established free school wagon route. Two weeks' attendance at half time or at night school is, under the above law, equivalent to one week in day school.

It is the duty of the district school board, on the second Monday in February and the second Monday in September—or within fifteen days thereof—in each year, to ascertain in such manner as the State Board of Education may direct, the condition of all children between the ages of eight and twelve who are not in attendance upon any public school, and report all violations of this act to the district clerk, who must at once proceed to prosecute each and every such offense.

The penalty imposed upon the person responsible for the child for violation of this law is a fine of not less than \$2.00

nor more than \$10.00 for the first offense, and not less than \$5.00 nor more than \$20.00 for each subsequent offense, to be paid into the State treasury to be applied to the district school fund of the district from which the fines were received.

It is the duty of the clerk of the school board to prosecute whenever a member of the district board or any taxpayer files an affidavit setting forth the facts constituting the offense, and neglect of this duty for fifteen days makes him liable to a fine of not less than \$5.00 nor more than \$10.00 for each case of neglect; these fines to be used as above. The clerk is allowed \$2.00 for every prosecution. Acts 1908, p. 640, Supplement 1910, p. 847.

In connection with the age limits for compulsory education fixed by the above Constitutional provision, note the Child Labor Law, which prohibits the employment or working of a child under fourteen years of age in any factory, workshop, mine, mercantile establishment, laundry, bakery, brick or lumber yard, or during school hours or after seven o'clock p. m. in the distribution, transmission, or sale of merchandise. In cities with a population of 5,000 or more, such child may not work as a messenger for a telegraph, telephone, or messenger company in the distribution, transmission, or delivery of goods or messages. The provisions of the law do not apply to children working for their parents in plants owned or operated by them, nor to persons employed in factories engaged exclusively in packing fruits and vegetables between July 1st and November 1st, nor to mercantile establishments in towns of less than 2,000 inhabitants, nor to country districts. Upon the petition of the parent or guardian or other person interested in such child, the court having jurisdiction may, for good cause shown and entered of record, release any child between the ages of twelve and fourteen years, or his parent or guardian, from the operation of this law. Acts 1914, p. 671, Chap. 339, Biennial 1914, p. 324.

Public Free School Teachers

Teachers' Certificates—

No school board may employ or pay any teacher from the public school funds, who does not hold a certificate in full force, issued by the State board of examiners and inspectors and approved by the division superintendent of the division wherein employed. Code, §§ 1466(2), 1476.

For detailed information about teachers' certificates see Appendix, pp. 236-56.

Teachers' Contracts—

Written contracts must be made with all teachers employed, in the form prescribed by the superintendent of public in-

struction, before they enter upon their duties. Such contracts must be signed in duplicate, each party thereto holding a copy. Code, § 1478. See Appendix, p. 256.

Pay of Teachers—

The pay of a teacher is not governed by the daily average attendance of pupils, provided it exceeds ten, and where the attendance has been so reduced in any one month, but in other months of the term has exceeded the number required by law, he is entitled to compensation upon the basis of his term average, at the per capita rate specified in the contract, within the limits of the maximum salary specified therein. Code, §§ 1480a, 1480b. See Appendix, pp. 256-7.

Teachers' Meetings—

Meetings of teachers in any county or school district may be encouraged by county and district school boards, and held under such regulations as the division superintendent may prescribe. Code, § 1481. See Appendix, p. 257.

Teachers' Authority—

Teachers may permit to enter the public schools such children six years of age as, in their judgment and that of the division superintendent, are sufficiently matured. (See pp. 17, 38), Acts 1914, p. 141, Biennial 1914, p. 402.

Provided the facts are reported by teachers, in writing, to parents or guardians and to the district school board, they have authority to suspend, for sufficient cause, pupils from attendance at school until the merits of the cause for suspension can be decided by the school board, whose decision must be rendered with as little delay as possible. Code, § 1479.

Teachers must require of pupils cleanliness of person and good behavior during their attendance at school and on their way to and fro. Code, § 1496. See Appendix, p. 257.

Teachers' Records—

Every teacher is required to safely keep a daily register of facts pertaining to his school, in form prescribed by the superintendent of public instruction, and at close of term, or period of service, to deliver it to the clerk of the district school board. Code, § 1477. See Appendix, p. 257.

Retired Teachers' Fund—

Any person, except a division superintendent, who has taught in the public schools of the State, may make application to be retired and pensioned upon the terms fixed by Acts 1910, p. 127, and Acts of 1912, p. 655. Subject to the terms and conditions as laid down by said Acts of Assembly, the State Board of Education is authorized, and it is its duty, to place any such person on the list known as the "retired teachers' list," and pay him a pension as hereinafter provided, subject to the exceptions and restrictions mentioned. A careful record of the names of the teachers pensioned must be kept by said Board.

Pensioners are divided into two classes:

Class A includes those who by reason of physical or mental infirmity or old age are incapable of longer rendering efficient service as teachers, after having maintained a good record as teachers in the public schools of the State for an aggregate of at least twenty years.

Mental and physical disability must be shown by evidence satisfactory to the State Board of Health and the State Board of Education, to which bodies power is given to order special examinations, at a cost to the applicant not exceeding \$5.00, and afterward, reëxamination at any time; and they are required to have new examinations made at intervals of not exceeding three years, of all persons receiving pensions in this class, in order to determine whether they are still incapable of rendering efficient service as teachers by reason of mental or physical infirmity or old age. If in any case either of said boards is of the opinion that the disability has been removed, the State Board of Education must, after thirty days, remove such pensioner from the list.

Class B includes every person who has maintained a good record as teacher in the public schools of the State for an aggregate of at least thirty years, and who, if a man, has reached the age of 58 years, or if a woman, the age of 50 years.

No person who has not taught at least five sessions since July 1, 1908, may now be placed on the pension list.

Removal from Retired Teachers' List. A pensioner may have his name removed at any time by his own request, and the place is forfeited by any one of the following causes:

1. By removal of the physical or mental disability which gave him place in Class A, as stated above.

2. By teaching in any of the public schools of the State.
3. By marriage of a female pensioner, less than fifty years of age, who is granted, or has applied for, a pension before teaching as long as an aggregate of thirty years.

Any person who voluntarily resigns, or who is removed from the retired teachers' list, is restored thereby to all teachers' certificate rights held when pensioned, and if removed is repaid any sum, with interest at 6%, which he has paid into the fund, less any amounts withdrawn.

Restoration to Retired Teachers' List.—Any person removed or retired as above stated may be restored to either Class A or Class B, upon the same terms and conditions as originally received.

Acts 1910, p. 127, Supplement 1910, p. 833, and Acts 1912, p. 655, Biennial 1912, p. 363. See pp. 111-116, 182, post.

Health Regulations in the Public Schools

Contagious Diseases—

Persons suffering from contagious diseases, while in that condition must be excluded from the public free schools. Code, § 1496.

The State Board of Health has power to provide for the care, segregation and isolation of persons having or suspected of having any communicable, contagious or infectious disease. Disobedience of their rules is punishable as a misdemeanor. Acts 1910, p. 269, Supplement 1910, p. 905.

Vaccination.—Every teacher and pupil must within ten days after entering school furnish a reputable physician's certificate of successful vaccination, or of physical reason for an exception to the rule requiring it. Nothing in this section precludes a school board from requiring immediate vaccination in case of an epidemic of smallpox, or the annual revaccination of those who have not furnished certificates of proper vaccination. Code, § 1496.

The councils and boards of supervisors have authority, at their discretion, to cause persons residing within their respective divisions to be vaccinated with genuine vaccine matter, and to enforce obedience under penalty of fines. Code, § 1733.

Provisions concerning vaccination may be suspended in whole or in part by the school board of any county or city. Code, § 1496.

Public school pupils unable to pay for vaccination must be vaccinated with genuine vaccine matter at the expense of the city, town, or county, and provision made therefor by the council or supervisors. Code, §§ 1496, 1733.

Testing Sight and Hearing—

The superintendent of public instruction is directed to cause to be prepared, under the advice and approval of the State Board of Health, suitable test cards, blanks, record books, and other needful appliances to be used in testing the sight and hearing of pupils in the public schools, and to obtain necessary instructions for the use thereof. These are to be furnished free of expense to all schools of the State, upon request of the school boards, accompanied by statement that the boards by resolution have adopted their use and directed it in the schools in their charge.

It thereupon becomes the duty of the principal or teachers in all such schools to test the sight and hearing of all pupils under their care, and to keep record thereof according to instructions, and whenever pupils are found with defects of eye or ear, it is the duty of the teacher to notify parents and guardians of such defects, with a brief statement of the facts of the case. Copies of all reports must be preserved for use of the superintendent of public instruction. Acts 1908, p. 661, Supplement 1910, p. 855.

Prevention of Accidents—

By Act of March 17, 1914, the superintendent of public instruction was directed forthwith to prepare, publish and distribute proper information for the guidance of teachers in instructing pupils in the public schools "as to ways and means of proper observation, so as to prevent accidents." Acts 1914, p. 212, Biennial 1914, p. 415.

See Virginia Health Bulletin No. 8, Vol. VII, issued jointly by the Department of Public Instruction and the State Board of Health in August, 1915, entitled "First Aid to the Injured and the Prevention of Accidents." It was prepared, published, and distributed in compliance with the provisions of the above Act, and may be had without cost upon application to either of said departments.

Text Books for Public Free Schools

The State Board of Education may exercise such discretion as it sees fit in the selection of books suitable for the schools in the cities and the counties, respectively. Code, § 1433(6).

Contracts with Text Book Publishers—

The written contracts made by the State Board of Education with the publishers of the text books adopted for use in the public free schools of Virginia must provide that the wholesale and retail prices named in the contracts are respectively as low as those at which the same books are sold anywhere in the United States (taking into consideration the cost of distribution), and the terms of exchange of books in all respects as favorable, and that this State is to have the benefit of any reduction in price, or improvement in terms of exchange, or in the editions of books issued, that may be given anywhere else in the United States during the terms of the contracts. The duty of notifying the superintendent of public instruction of such changes lies with the publishers.

There must further be incorporated into said book contracts any other representations, terms or conditions which the State Board of Education may deem necessary for the protection of the patrons and pupils of the public free schools or to the interest of the public school system, and the State Board is authorized to enter into any contracts pertaining to the rental of book plates, or the distribution of school books which in its opinion will improve the system of distribution or lessen the cost of books to the patrons of the public schools.

Every contract must be accompanied by a bond with good and sufficient security, conditioned for the faithful performance of its terms, and also by an affidavit certifying that the representations made therein are true, that the prices and terms named were not made under any combination to control prices and sales of text books, and further certifying to such details as to the prices for books as the superintendent of public instruction may prescribe.

Act Extra Session 1915, p. 110, repealing all acts, or parts of acts, in conflict therewith.

Text Book Reports from School Officers and Teachers—

It is made the duty of all division superintendents, and school trustees and teachers to notify the superintendent of

public instruction promptly of any departure on the part of dealers from the retail prices of books as fixed, and of failure to supply promptly all necessary books for use in the schools. Act Extra Session 1915, p. 110.

The State Board of Education is required to place in the blank form for term report a column requiring teachers to show the amount paid for adopted school books for each pupil, and, together with superintendent of public instruction, to adopt the necessary rules and regulations to obtain this information, and incorporate the totals in their annual report. Acts 1912, p. 562, Biennial 1912, p. 341.

Change of Text Books—

No text books adopted for use in any public school in Virginia may be changed or substituted until the same have been in use for a period of at least four years. Code, § 1433(6).

Text Books for Indigent Children—

Children attending the public schools must be supplied with necessary text books in cases where parents or guardians are prevented by poverty from furnishing them. Const., § 139; Code, §§ 1466(4), 1538(5).

See Appendix, p. 259.

Disturbing School Exercises

Code, § 3805b, fixes a penalty of not less than \$10.00 nor more than \$50.00, or, at the discretion of the court, confinement in jail for not more than thirty days in addition to the fine, for willfully interrupting, molesting or disturbing the exercises of any free school, or other school, or literary society, or for disturbing the same, whether willfully or not, while intoxicated. The offense is held to be a misdemeanor.

School Holidays

Birthday of Jefferson Davis—

The General Assembly, by Act of 1899-1900, p. 1374, set apart the 3d of June in each year as a day of recreation in the public schools, "as a mark of perpetual respect and remembrance of Jefferson Davis, and to commemorate the distinguished services rendered by him as a patriot, Christian, and champion of constitutional liberty."

Arbor Day—

The Code, § 222b, provides that the “governor shall annually in the spring designate by official proclamation a day to be designated as ‘Arbor Day,’ to be observed throughout the State as a day of planting trees, shrubs, and vines about the houses and along the highways and about the public grounds in the State, thus contributing to the health, comfort and attractiveness of the State.”

See Appendix, pp. 261-2.

CHAPTER II

ADMINISTRATION OF THE PUBLIC FREE SCHOOL
SYSTEM

EXECUTIVE OFFICERS

“Every person qualified to vote shall be eligible to any office of the State, or of any county, city, town, or other subdivision of the State, wherein he resides, except as otherwise provided in this Constitution, and except that this provision as to residence shall not apply to any office elective by the people where the law provides otherwise. Men and women eighteen years of age shall be eligible to the office of notary public, and qualified to execute the bonds required of them in that capacity.” Const., §§ 18, 32; Code, § 62. See 19 Va. Law Register, p. 401.

The public free school system in the counties, towns, and cities of Virginia is under the management and control of a State Board of Education, a superintendent of public instruction, division superintendents of schools, city school boards in cities, and county, district and school trustee electoral boards in counties.

Before entering upon the performance of their duties, public school officials are required by Section 34 of the Constitution to take the following oath of office:

“I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Virginia ordained by the Convention which assembled in the city of Richmond on the twelfth day of June, nineteen hundred and one, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as, according to the best of my ability; so help me God.”

Unless his disabilities shall have been removed by the General Assembly, he is required, by § 169 of the Code, to take and subscribe, at the same time, the following oath also:

“I swear that I have not while, a citizen of this State, since the tenth day of July, nineteen hundred and two, fought a duel with a deadly weapon, or sent or accepted a challenge to fight a duel with a deadly weapon, either within or beyond the boundaries of this State, or knowingly conveyed such challenge, or aided or assisted in any manner in fighting such duel; and that I will not fight a duel with a deadly weapon, or send or accept a challenge to fight a duel

with a deadly weapon, either within or beyond the boundaries of this State, or knowingly convey such challenge, or aid or assist in any manner in fighting such duel, during my continuance in office; so help me God."

See Code, §§ 168, 169, 175, 1429, 1434, 1437, 1451, 1455, 1457, 1460, 1538.

The State Board of Education

Composition—Qualifications of Members—Election—Terms of Office—

The State Board of Education is a corporation by that name, composed of eight members; to wit—the governor, attorney general, and superintendent of public instruction (who must be an experienced educator); three experienced educators from the State institutions of learning named below, and two division superintendents of schools, one from a county and one from a city. Const., § 130, Code, §§ 1428, 1429.

The governor, attorney general and superintendent of public instruction are all elected at the same time, by the qualified voters of the State, on Tuesday after the first Monday in every fourth November, for a term of four years. The term of the present incumbents will expire February 1, 1918, and the next election to these offices will be held in November, 1917.

The three experienced educators from State institutions of learning are elected quadrennially by the Senate from a list made up of one member from the faculty of each of the following State institutions of learning, nominated by their respective boards of visitors or trustees: The University of Virginia, the Virginia Military Institute, the Virginia Polytechnic Institute, the State Female Normal School at Farmville, the School for Deaf and Blind, and the College of William and Mary. They serve, if so long eligible, for a term of four years, from March 1st following their election. The term of the present incumbents will expire March 1, 1919, unless sooner terminated by removal from the list of eligibles.

The two division superintendents of schools are selected by, and associated with, the above six members, to serve for a term of two years, if they remain so long eligible, but they may not participate in the appointment of any public school official. The term of the present incumbents will expire the 1st of April, 1917, if not sooner terminated by removal from the list of eligibles. Their successors must be selected within 30 days before that date.

Const., §§ 33, 130, 131; Code, §§ 87, 1429, 1434, 1437.

See Appendix, p. 224, for names of present members of the Board.

Vacancies in the State Board of Education—

A vacancy occurring during the term of any of the above officers, except of the governor or attorney general, is filled for the unexpired term by the State Board of Education (Const., § 130, Code, § 1429), but no person may be so appointed as division superintendent whose nomination has been previously rejected by the Senate. Code, §§ 1433(1), 1434. See also Code, §§ 89, 91.

Organization—Powers—Duties—

The general supervision of the public free school system is vested by the Constitution in the State Board of Education. To that body is given authority to adopt by-laws for its own government and to make all needful rules and regulations for the management and conduct of the schools, *which, when published and distributed, have the force and effect of law, subject to the authority of the General Assembly to revise, amend, and repeal.* Const., §§ 130, 132; Code, § 1433(4).

The superintendent of public instruction is *ex officio* president of the board. In his absence a president *pro tempore* is elected by the members present. Const., § 131, Code, § 1429.

Meetings are held upon call of the president, or upon request of a majority of members after due notice of the time and place of meeting given by him to all members. A majority of the members constitutes a quorum. A faithful record of the proceedings of the board, duly attested, must be kept, and be at all times open for inspection. Code, §§ 1429, 1430, 1431.

The powers and duties of the State Board of Education, in brief, are as follows (see page references to other parts of this volume for details):

To record the numbers and boundaries of school districts; provide for redistricting a county where the interests of the schools require it and grant a county school board relief from the Act permitting a county to be divided into sub-districts, when in its judgment the operation of that law has proved injurious to the interests of education. Code, §§ 1467, 1470, pp. 15, 36, 50.

To regulate the number of pupils required to form a public school, guarding against such a multiplication of schools in

proportion to funds as will impair efficiency; investigate conditions and assist local school authorities in the introduction of industrial, agricultural, household arts, and commercial education; regulate the location, establishment and conduct of high schools, agricultural high schools, normal schools and departments and the conditions upon which pupils may be received therein; and provide for the inspection of schools and the examination of teachers. Code, §§ 1433(5)(7), 1495, 1498, 1503; Acts 1906, p. 350, 1908, p. 69, 1910, p. 362, Supplement 1910, pp. 663, 728, 920; Acts 1912, p. 56, Biennial 1912, p. 209, and Acts 1914, p. 144, Biennial 1914, p. 402; pp. 9-15. See Appendix, pp. 229-38, for State Board regulations for the inspection of schools and examination of teachers.

To determine the extent of general education which must be required of students as a basis for the medical course to be taken by all applicants for the degree of bachelor or doctor of medicine of this State. Acts 1912, p. 525, Chap. 237, Biennial 1912, p. 331.

To determine when the usefulness and efficiency of the day schools will not be impaired by the admission of persons over twenty years of age or by the establishment of night schools, and regulate the conditions under which children of one district may attend the schools of another, and the distribution of pupils in the public schools. Code, §§ 1492, 1493, 1494, pp. 11, 17-19.

To approve or amend the plans of the superintendent of public instruction for the organization and conduct of the summer normal schools, and audit and pay the accounts incurred for their expenses. Code, § 1481(4); pp. 13-14, 35, 111-114.

To have executed the provisions of the law providing for the pensioning of public free school teachers. Acts 1910, p. 127, Supplement 1910, p. 833, and Acts 1912, p. 655, Biennial 1912, p. 363; pp. 23, 111-116, 182.

To select the books for use in public free school libraries, and the text books and appliances for use in the public schools of the State; regulate the retail price charged the people therefor, and enter into contracts with publishers to furnish the selected books. Const., § 139, Code, § 1433(6), Acts 1912, p. 562, Biennial 1912, p. 341, and Acts Extra Session 1915, p. 110. See also Code, § 1472, and pp. 26, 27, 98.

To coöperate with the president of V. P. I. in coördinating the work of the boys' demonstration clubs and the girls' canning

clubs with the work of the county schools of the State. Acts 1914, p. 710, Biennial 1914, p. 497; pp. 70, 80.

To supervise and control all actions of the board of visitors of the Virginia Normal and Industrial Institute. Code, § 1613; p. 84.

To control the public free schools located on the grounds of the Prison Association of Laurel, and the grounds of the Negro Reformatory Association. Acts 1908, p. 688, and Acts 1910, p. 325, Supplement 1910, p. 910; pp. 91, 92.

To appoint a board of five directors to manage the State library. Const., § 132(5); Code, § 1433(16).

To prescribe the duties of the superintendent of public instruction, determine the necessary contingent expenses of his office and his traveling expenses; pass upon his nominations for a first and second clerk and other necessary employees for his office and fix their compensation; the first clerk to serve as secretary of the State Board of Education, for which service he is allowed additional compensation. Const., § 131; Code, § 1433(2) (3) (14); pp. 34, 35.

To divide, in its discretion, the State into appropriate school divisions; provided no division comprise less than one county or one city, and no city or county be divided, except where geographical conditions make an exception necessary; and provided further that the divisions be so made as to insure to each division superintendent a salary of at least \$900.00 per annum, except as set forth on p. 192, post. Const., § 132(1); Code, § 1433(1).

To appoint, subject to confirmation by the Senate, a superintendent of schools for each of said divisions, prescribe their duties, regulate their conduct, punish them by reasonable fines, or suspension from office and pay for a limited period, for neglect of duty and for any official misconduct, and remove them for cause and upon notice. Const., § 132; Code, § 1433(1); pp. 35-39.

To prescribe such additional duties as in its judgment may be wise for city school boards. Code, § 1538(15); p. 45.

To order, whenever deemed proper, the sense of the voters to be taken in counties or districts on all matters which may be properly referred under the provisions of the school law. Code, §§ 101, 115, 1433(10); p. 62.

To manage, control, and invest the literary fund, making loans therefrom, in its discretion, to district school boards to aid in the erection of suitable school houses; administer the public

free school funds, including the retired teachers' fund and the public free school library fund; distribute the special State appropriations placed in its charge, in accordance with the Acts of Assembly providing therefor, and supervise the apportionment by the superintendent of public instruction of money appropriated by the State for the public schools. Code, § 1433(11) (12) (13); Acts 1908, p. 106, Supplement 1910, p. 685; Acts 1914, p. 715, Biennial 1914, p. 312; Acts 1910, p. 127, Supplement 1910, p. 833; Acts 1912, p. 655, Biennial, 1912, p. 363, and Acts 1914, p. 138, Biennial 1914, p. 326; pp. 35, 109-116, 130, 172, 181, 183.

To cause a careful examination and a full settlement to be made annually of the accounts of the treasurer of the V. M. I. Code, § 1571; p. 78.

To pay over to the board of visitors of V. P. I. and the treasurer of Hampton Normal and Agricultural Institute all funds received for their respective use and benefit. Code, § 1605; pp. 118-120, 124-125, 185(2).

To observe the operation of the public free school system; regulate all matters that may arise in its practical administration for which no provision has been made by law, and make report to the General Assembly at each regular session, of operations for the two school years immediately preceding, covering the annual report of the superintendent of public instruction, and suggesting any improvements deemed advisable. Code, § 1433(17) (18); p. 35; Appendix, p. 263.

To perform such other duties as may be prescribed by law. Code, § 1433 (19).

Superintendent of Public Instruction

Qualifications—Powers—Duties—

The Superintendent of public instruction is, *ex officio*, president of the State Board of Education and is required by law to serve as a member of the boards of visitors or trustees of all the institutions of learning receiving State aid, except the Medical College of Virginia and Hampton Normal and Agricultural Institute. Const., § 131; Code, §§ 1429, 1436, 1564, 1591, 1613, 1653; Acts 1906, pp. 94, 539, Supplement 1910, pp. 573, 692, and Acts 1914, p. 567, Biennial 1914, p. 461.

It is his duty to nominate for approval by the State Board of Education a first and second clerk, and such other employees for his office as may be necessary; the first clerk to serve also

as secretary to the Board, with reasonable compensation fixed by it. Code, § 1433(3).

To pass upon loans from the literary fund to district school boards, and the plans and specifications, and locations, of the school buildings in aid of which the loans are asked. Acts 1908, p. 106, Supplement 1910, p. 685, and Acts 1914, p. 715, Biennial 1914, p. 312.

To sign warrants of the State Board of Education. Code, § 1433(14); p. 34.

To prepare the scheme of apportionment of State school funds. Code, §§ 1433(13), 1507, 1512.

To prepare blank forms for school registers, teachers' contracts, reports of school officers and county and city treasurers, the school census, and all other statistical work required in connection with the public school system of the State; provide cards and instructions for testing the sight and hearing of the public school children, and prepare, publish, and distribute instructions for the prevention of accidents. Code, §§ 1462, 1477, 1478; Acts 1912, p. 562, Biennial 1912, p. 341; Acts 1908, p. 661, Supplement 1910, p. 855, and Acts 1914, p. 212, Biennial 1914, p. 415; pp. 21, 22, 25.

To select the places and fix the time for holding the summer normal schools; select the instructors, determine the instruction to be given and the methods of teaching, and generally supervise conduct of said school under the general management of the State Board of Education. Code, § 1481(4) (5).

To make annual report to the State Board of Education of the condition of the public school system, with recommendations for its further maintenance and development. Code, § 1433(18). See Appendix, p. 264.

His other duties, prescribed, as provided by law, by the State Board of Education, are such as pertain to the office of chief executive of the public free school system of the State in the proper administration of business under the school laws and regulations and in the promotion of an appreciation and desire for education among the people. Const., 131; Code, §§ 1434, 1436. See Appendix, pp. 227-8.

Division Superintendents of Schools

Qualifications—Election—Term of Office—

Division Superintendents of Schools are elected by the State Board of Education within sixty days before the 1st day of

July in every fourth year, to serve for a term of four years; the two division superintendents who are members of the State Board of Education not participating in the appointments; but all such elections are subject to confirmation by the Senate.

No federal officer, except a fourth-class postmaster, no supervisor or other county or State officer, except a notary public, and no deputy of such officers, may be chosen, or allowed to act, as division superintendent of schools. No mayor, member of council, or treasurer of a city, town or county is eligible to the office of division superintendent of schools of such city, town or county, except that this provision does not apply to towns of less than one thousand inhabitants.

The office of any superintendent is vacated by the refusal of the Senate to confirm his election, by his removal from the division for which appointed, or his engagement in any other business or employment without consent of the State Board, or by his resignation, or his removal by the State Board; except that in cities he may be permitted to teach. See Appendix, p. 259.

The term of the present incumbents will expire on the first of July, 1917. See Appendix, pp. 224-6, for list of their names, divisions, and post-office addresses.

Const., § 132; Code, §§ 1429, 1433, 1437, 1527, 1534.

There is but one superintendent of schools for a city declared to be of the second class and the county in which it is located. Acts 1908, p. 3, Supplement 1910, p. 718.

Division Superintendents of Schools—Qualifications—Powers—Duties—

Division superintendents of schools, acting under the superintendent of public instruction, are the executive officers and supervisors of the schools in their respective divisions, with powers and duties fixed by the State Board of Education.

During his term of office, a division superintendent must reside in the division for which appointed, and he may not engage in any other employment or business, unless under special exception made by the State Board of Education; except that in cities he may, at the request of the city school board, teach in the public schools. Otherwise, he must devote himself exclusively to the discharge of his duties as division superintendent or his office is vacated. Const., § 132; Code, §§ 1433(1), 1437, 1439, 1451, 1534.

Division superintendents are required to number or name the school districts in each county and see that the name or number and boundaries are recorded in the office of the clerk of the

circuit court and reported to the superintendent of public instruction, to be filed in his office. Code, § 1467.

No school house may be contracted for or erected until the plans therefor have been submitted to and approved in writing by the division superintendent, who must report his action in each case to the State Board of Education, and, before a special election can be ordered to pass upon the question of issuing bonds for the erection of school houses, the plans, specifications, and estimated cost of such buildings must be approved by the division superintendent, as well as by the superintendent of public instruction.

A division superintendent may have no personal interest, directly or indirectly, in school contracts.

Code, §§ 1472, 1489, 1538(10); Acts 1910, p. 279, Supplement 1910, p. 687.

The further powers and duties of division superintendents in their respective divisions are as follows:

To condemn school houses unfit for occupancy, giving notice thereof in writing to the district school board, and see that no school is held in an unfit building. Code, §§ 1489, 1538(10).

To serve as a member, and as clerk, of the county school trustee electoral board and as president of the county school board. Code, §§ 1442, 1443, 1450. See pp. 47, 51, and *Kirkland case* cited pp. 46, 47.

To certify to the electoral board the desire of the school board to submit the question of compulsory education to the qualified voters of the district, whenever such desire is properly expressed by a recorded vote of the school board. Acts 1908, p. 640, Supplement 1910, p. 847.

To hear complaint of, and grant appeals from, rulings of district school boards. Code, § 1487.

To annually submit to the county school board the estimates of the district boards of school funds needed, and to the board of supervisors the estimates of the county board of funds needed for the public schools of the county and in the several districts. Code, §§ 1447, 1506.

To pass upon appointment of deputies to take the school census, made by clerks of district boards, and cause a census to be taken of school children in territory affected by changed boundary lines, showing what children have been transferred, and amending the last census accordingly, as a new basis for the apportionment of the school funds. Code, § 1463a.

To consolidate and transmit to the superintendent of schools for the deaf and blind the reports received from the districts of the quintennial census of deaf and blind children. Code, § 1463.

To give notice to the State Board of Education of the establishment of each high school in the division. Acts 1906, p. 350, Supplement 1910, p. 663.

To nominate State students to William and Mary College, the State Normal Schools for Women, at Harrisonburg, Fredericksburg and Radford, and to the Virginia Normal and Industrial Institute. Acts 1906, p. 95, Supplement 1910, p. 573; Acts 1908, p. 428, and Acts 1910, p. 176; Code, § 1613.

To determine the cost of education to be charged for pupils attending public schools outside their districts of residence. (See p. 18.) Code, § 1492.

To admit to the public schools children six years of age who are sufficiently matured. (See pp. 17, 22.) Acts 1914, p. 141, Biennial 1914, p. 402.

To make application for State aid for public free school libraries when the conditions have been complied with. (See p. 98.) Acts 1914, p. 138, Biennial 1914, p. 326.

To pass upon teachers' certificates, where necessary, and make regulations concerning county institutes and teachers' meetings arranged by county and district school boards. Code, §§ 1476, 1481.

To furnish, on or before the 1st day of July in each year, to the clerk of the State Corporation Commission, and to each railway and canal corporation, express company, refrigerator, oil, stock, fruit and other car loaning and car company operating upon the railroads—except dining, drawing room, sleeping and palace car companies—every corporation operating steamboats, steamships or other floating property for the transportation of passengers or freight, and every incorporated telegraph and telephone company, located, operating or owning property in the school division, the boundaries of every school district wherein the property of such companies may be respectively situated. Failure to comply with this requirement is a misdemeanor, punishable upon conviction with fine of from \$25.00 to \$100.00. Acts Extra Session 1915, p. 197, etc.

To notify the school board of any failure of treasurer to pay warrants properly payable from funds in treasurers' hands. Code, § 1506a.

To examine the books and papers of any clerk of a district board or county treasurer who fails to lay his records before the county school board at the annual meeting in August. (See pp. 58, 179) and make special report thereon in connection with the annual report required of every division superintendent. Code, § 1485.

To see that immediately after the annual settlement with the county treasurer and clerks of district boards in August, a statement of the receipts and disbursements of school funds in each school district is published in some newspaper of the county and posted at the front door of the court house and at the voting place of the clerk of each district school board of the county. Acts 1908, p. 555, Supplement 1910, p. 643.

To make annual report to the superintendent of public instruction. Code, §§ 1446, 1510.

Division superintendents have authority to administer the oath of office to school trustees. Code, § 1460.

See Appendix, p. 227-8.

School Boards

Qualifications of Members—Election—Term of Office—

Members of school boards must be residents of the district for which appointed, and removal therefrom vacates the office. Code, §§ 1460, 1538.

No person unable to read and write may be appointed school trustee. Code, § 1454.

City School Boards are corporate bodies, under the name and style of "The School Board of the City of.....," composed of three trustees resident in each ward, each ward being a school district, and every city not divided into wards constituting a single school district. Members of city school boards are appointed by the city council for terms of three years, beginning the first of September following election, one annually from each ward, the election taking place within thirty days before the expiration of term of predecessor. Vacancies for unexpired terms are filled by the city council.

No federal, State or city officer may during his term of office be chosen, or allowed to act, *as city school trustee*, except a notary public, a commissioner in chancery, or bankruptcy, or a member of the board of health. Const., § 133; Code, §§ 1458, 1522, 1524, 1525, 1528, 1538.

A city declared to be of the second class constitutes one separate school district in the county in which located, and continues to elect all district officers for such magisterial or school district; and its school trustees and other school officers, whether elected or appointed, bear the same relation to the county schools as existed before the municipality was declared to be a city. Acts 1908, p. 3, Supplement 1910, p. 718.

A town of more than five hundred inhabitants may, at the discretion of its council, be constituted a single school district, with power in the council to appoint three school trustees, except that when such a school district includes territory outside the corporate limits of the town, the trustees must be appointed by the school trustee electoral board. Code, § 1469.

School Boards for Counties.—District, county, and school trustee electoral boards administer local county school affairs.

District School Boards in Counties are corporate bodies, under the name and style of the "School Board of..... District, number....., of the County of.....," in charge of the administration of school affairs in the several magisterial districts. Each district board is composed of three trustees appointed for terms of three years, by the school trustee electoral board of the county; the term of one trustee expiring on the first of September in each year. Elections must be held within thirty days before that date. Vacancies for unexpired terms are filled by the said electoral board.

No federal, State or county officer, no deputy of such officer, and no supervisor, may, during his term of office, be chosen or allowed to act as *district school trustee in a county*, except a fourth-class postmaster, county superintendent of the poor, commissioner in chancery, commissioner of accounts, or notary public. Const., § 133; Code, §§ 1453, 1454, 1455, 1459, 1461. See also § 1469.

In the case of *Commonwealth v. Barrett*, decided in August, 1908, in the Corporation Court of Newport News, and not appealed, reported in 14 Va. Law Register, 271, it was held that a public officer who acts for the State at large comes within the definition of "State officer" as used in § 1538 (and 1459) of the Code; that a member of the House of Delegates is a "State officer" within the meaning of the statute; that the office of district school trustee is incompatible with that of a State officer, and the acceptance of such office by a district school trustee vacates the office of school trustee; and that where the Constitution has prescribed the qualifications of an officer, the legislature can neither add to nor subtract from them.

County School Boards are corporate bodies made up of the division superintendent of schools and the trustees who compose the several district school boards in the magisterial districts of the county, under the style of the "County School Board of.....County." Of this body the division superintendent is *ex officio* president, and it elects its own vice-president from among its members. Code, § 1441.

In the case of *Kirkland v. School Board of Petersburg*, decided in the Hustings Court of that city, and not appealed, reported in 11 Va. Law Register, 1016, it was held that the division superintendent is a constituent part, and *ex officio* president of the county school board.

School Trustee Electoral Boards in the several counties are composed of the division superintendent of schools, the attorney for the Commonwealth, and a resident qualified voter (who may not be a county or State officer), appointed by the judge of the circuit court, on, or within thirty days after, February 1st, of every fourth year, to serve for four years. A vacancy for an unexpired term is filled by the judge of the circuit court.

The term of the present incumbents of this office will expire on the 1st of March, 1916. Code, § 1450.

School Boards—Organization—Powers—Duties—

County, district, and city school boards may in their corporate capacity sue and be sued, contract and be contracted with, and purchase, take hold, lease and convey school property, both real and personal; and they have authority, by proper court proceedings, to sell or exchange public school property. Code, §§ 1447, 1466a, 1468, 1482, 1525. See pp. 39, 40, 41.

They also have authority, under rules and regulations prescribed by the State Board of Education, to establish and maintain high schools, or provide for high school work in any public school, if the instruction in the intermediate branches is not thereby interfered with, and for such high school instruction they have authority to require fees to be paid; and they have the further authority to make appropriations to non-sectarian schools of manual, industrial, or technical training, or to any school or institution of learning owned or exclusively controlled by them, or their county, city, town, or district, or to provide for the introduction of manual or industrial training, and other special branches in any public school. Const., § 141; Code, §§ 1466(15), 1498; Acts 1906, p. 350, Supplement 1910, p. 663.

District School Boards.—District school boards in cities and towns, and district school boards in counties, constituted as hereinbefore set forth (pp. 39, 40), except as provided by § 1538 of the Code, have in their respective districts like powers and duties, as follows:

To provide suitable school houses and equip them with proper furniture and appliances. To this end, district school boards have authority to purchase, lease, or erect buildings, to condemn land for school purposes when the public interest demands, and, under order of court, to sell or exchange public school property; but the location and plans for school buildings are at all times subject to approval by the division superintendent, and the furniture and appliances must be of a character selected by the State Board of Education for use in the public schools of the State. Code, §§ 1466(9), 1466a, 1538. See also *Commonwealth vs. School Board*, 109 Va., 346, cited on pp. 32, 153, 155, 156, 158.

To care for, manage and control the school property of the district. Code, §§ 1466(9), 1538(10).

To grant to reputable residents of the district the use of school houses, when the schools are not in session, for any lawful assemblages of educational, agricultural, civic or social bodies, organizations or gatherings. (See p. 159.) Acts 1914, p. 255, Biennial 1914, p. 422.

To hold regular meetings at the periods fixed by law and by the State Board of Education, and special meetings when called by the chairman or two members, and to call meetings of the people of the district for consultation in regard to the school interests thereof. Code, §§ 1466(6 & 7), 1538(8 & 9).

To establish all-day, part-time, or continuation or evening classes, giving industrial, agricultural, household arts or commercial education, and provide for their support in the same manner as for the regular schools of the district; such education to be of less than college grade and designed to meet the vocational needs of persons over fourteen years of age who are able to profit by the instruction offered. Acts 1914, p. 144, Biennial 1914, p. 402.

To establish and conduct night schools in districts where day schools are conducted for eight or more months each year, by and with the consent of, and under rules and regulations prescribed by the State Board of Education. Code, § 1494.

To determine, under rules prescribed by the State Board of Education, when the admission of pupils more than twenty years of age, and the establishment of night schools, will not impair the efficiency of the schools. Code, § 1494.

To explain, enforce and observe the school laws and make rules for the government of the schools. Code, §§ 1466(1), 1538(1).

To fix the terms upon which the pupils of one district may attend the schools of another district. Code, §§ 1492, 1493. See p. 18, *ante*.

To make rules for the government of the schools and the regulation of the conduct of pupils going to and from school and to suspend or expel pupils when the prosperity and efficiency of the schools make it necessary. Code, §§ 1466(1) (3), 1538.

In the Kirkland case, cited on p. 41, *ante*, it was held that under § 1538, the school boards of cities have power to expel pupils and there is no right of appeal to the division superintendent in regard thereto, and as the school boards of cities are subject to no other authority than the State Board of Education and the superintendent of public instruction, mandamus will lie from the corporation courts of cities to the school boards to compel them to re-instate pupils wrongfully denied the privilege of attending the public free schools.

To visit the schools from time to time and see that they are conducted according to law and with the utmost efficiency. Code, §§ 1466(10), 1538.

To decide what children are entitled to free text books, and provide for them and for any other expense attending the administration of the public free school system under their control. Code, §§ 1466(4), 1538(5).

To see that a census is taken by the clerk of the board, in person or by deputies approved by the division superintendent, at the proper time and in the proper manner, every five years, during April and May, of all persons between seven and twenty years of age residing in the district, and that a separate census is taken of the deaf and blind, and statistics gathered relating to the interests of education in the district, and carefully supervise the lists submitted by the takers of the census. Code, §§ 1462, 1463, 1466(5).

In districts where the compulsory education law has been adopted, it is the duty of the district school board twice every year, in February and September, to ascertain the condition of all children between eight and twelve years of age who are

not in attendance upon the public schools, and report to the clerk of the board all violations of the compulsory education law, excusing from attendance at school all who in the judgment of the board should be exempt from the requirements of the law. Acts 1908, p. 640, Supplement 1910, p. 847; p. 19.

To employ teachers holding the certificates required by the State Board of Education (Code, § 1476); provide for their pay, and dismiss them when unworthy the position. No brother, sister, wife, son, or daughter of any member of the school board may be employed as teacher or paid from the public funds. Any trustee violating any of these provisions is personally liable to refund the public moneys paid in violation thereof. Code, §§ 1466(2), 1538(3). See Appendix, p. 259.

The action of district school boards in counties in employing and dismissing teachers is subject to review by the school trustee electoral board sitting as a board of appeal under § 1455.

To encourage meetings of teachers. Code, § 1481; p. 22.

To appropriate \$15.00 each for as many as five public free school libraries in one year. Acts 1914, p. 138, Biennial 1914, p. 326.

To provide for the pay of teachers and of the clerk of the school board, for the cost of providing school houses, and the appurtenances thereto, and the repairs thereof; for school furniture and appliances, for necessary text books for indigent children, and for any other expenses attending the administration of the public free school system, so far as the same is under the control or at the charge of the school officers: Code, §§ 1466(11), 1538(10).

To examine all claims against the school board, and, when approved, record such approval in the proceedings of the board, and pay the same by a warrant on the treasurer, signed by the chairman of the board and countersigned by the clerk, and made payable to the person entitled to receive the money, stating on the face of the warrant the purpose for which it is paid, and that it is drawn in pursuance of an order entered by the school board on the date stated. Code, §§ 1466(12), 1538(13).

To borrow money from the literary fund for the purpose of erecting school houses, when the needs of a district justify, executing proper evidences of the debt so incurred, and request the board of supervisors to cause a district tax to be levied sufficient

to meet the obligation. Acts 1908, p. 106, Supplement 1910, p. 685; Acts 1914, p. 715, Biennial 1914, p. 312.

To request a special election by the registered voters of the district upon the question of an issue of bonds for the purpose of erecting and furnishing additional school houses, when in their judgment the educational needs of the district render a bond issue expedient, and if the bond issue is made, it is the duty of the school board to report annually to the board of supervisors of the county the amount of debt outstanding and the amount and condition of the sinking fund which must be created to provide for the payment of the principal of said bonds as they mature. Acts 1910, p. 279, Supplement 1910, p. 687.

To report on any matter when required by the division superintendent of schools, and, on or before the first day of August in each year, to make report for the school year closing on the 30th day of June preceding on all subjects embraced in the blank forms supplied by the superintendent of public instruction; and, in addition, make annual settlement before the commissioner of accounts of all transactions in connection with any property given, devised or bequeathed to the district. Code, §§ 1466(14), 1484.

To perform such other duties as may be prescribed by law, and by the State Board of Education. Code, §§ 1466(13), 1538(15). See Appendix, pp. 228-30, 258-9.

For powers and duties in connection with sub-districts, see p. 50.

The separate powers and duties of district school boards in cities and counties are as follows:

Cities—

Counties—

City school boards have power, subject to approval by the city council, to prescribe the number and boundaries of school districts. (See p. 16) Code, § 1524.

See p. 15 for provisions relating to school districts in counties. Const., §§ 133, 141; Code, § 1469.

Each city school board is a corporate body, and the trustees from the several wards (districts) of a city have no organization or duties except such as may be assigned to them by the whole body.

Each district school board of a county is a corporate body, and any two of the three members constitute a quorum. One of their number must be elected chairman and another clerk. Code, §§ 1461,

A majority constitutes a quorum. Code, §§ 1525, 1526.

1482.

Cities—

In the Kirkland case it was held that under the provisions for administering the public free school system in cities, there is but one corporation entrusted with this duty, and that is the school board of the city, composed of all the school trustees. 11 Va. Law Register. 1016.

City school boards are required to establish and maintain in the city a general system of public free schools in accordance with the requirements of the constitution and the general educational policy of the Commonwealth; establishing such schools as in their judgment may be necessary to the completeness and efficiency of the school system, determining the studies to be pursued, the methods of teaching, the government to be employed, and the length of the school term; and to make by-laws and regulations for their own government and meetings, not in conflict with the provisions of the law. Code, §§ 1522, 1526, 1538.

The official care and authority of city school boards cover all territory in the corporate limits of a city or town constituting a separate school district, and all school property without the corporate limits and contiguous thereto, when the title is vested in the school board or in the city. Code, § 1526.

A city school board may, in its discretion, employ and fix the salary of a clerk of the board, who may or may not be a member thereof, but who may not be the mayor, a member of the council, treasurer, or other officer of the city. These restrictions do not apply to towns of less than 1,000 inhabitants.

His duties are the same as those prescribed for a district school

Counties—

In the Kirkland case, the district school board of trustees of a county is held to be a separate and distinct corporation (Code, § 1482) from that of the county board. The division superintendent is a constituent part and *ex officio* president of the county school board, but while he assists in the organization of boards of district school trustees, and may participate in the discussion of questions therein, he is not a member. These boards are subordinate to the superintendent, and, when required by him, it is their duty to report to him on any matter. 11 Va. Law Reg., 1016. (See pp. 41, 43.)

The school boards of two adjacent districts, in the same or adjoining counties, have power, upon consent given by the State Board of Education, to establish a joint school for the use of both districts, and for that purpose they have the power to purchase, take, hold, lease, and convey, both real and personal property, in either district, the title thereto vesting jointly in the two boards, who jointly manage and control the school so established and located. Acts 1914, p. 278, Biennial 1914, p. 426.

Each district school board must elect one of its number clerk of the board, and provide for his pay, fixed as provided by law at not exceeding \$3.00 for each teacher. He is required to keep in bound volumes a record of the proceedings of the board and of his own official acts, and a cash account, and to file all official papers; all of which are open to inspection by the divi-

Cities—

board clerk of a county. See parallel column. Code, §§ 1526, 1527, 1538 (12).

It is the duty of clerks of school boards, both in cities and counties, to take the school census required by law. (See p. 17; Code, §§ 1462, 1463), and in districts where the compulsory education law has been adopted, to prosecute all offenses thereunder. Acts 1908, p. 640, Supplement 1910, p. 847. See p. 21, post.

A city school board may suspend the operation of the law making vaccination compulsory. Code, § 1496. (See p. 24.)

It is the duty of a city school board to manage and control the school funds of the city, and to submit at least once a year to the council, in writing, a classified estimate of what funds will be needed for the proper growth and maintenance of the public schools of the city, and request the council to make provision, by appropriation or levy, for the same. Code, § 1538 (12 and 14).

City school boards (and county school boards, pp. 49, 68) have the power and duty of selecting the State students at V. P. I. Code, § 1587.

Counties—

sion superintendent and every citizen of the district, and to examination by the State Board of Education, or its representatives; and to discharge such other duties in connection with the school business of the district as may be required of him.

He may not be the county treasurer or any other county officer. Code, §§ 1461, 1464, 1465, 1527.

The district school boards in counties are required to prepare and return to the president of the county school board (who is the division superintendent) on or before the 15th of March in each year, to be laid before the county school board at its earliest meeting, an estimate of the amount of money which will be needed in their respective districts during the next school year, for providing school houses, text books for indigent children, school appliances and other necessary expenses. Code, § 1466 (8).

District school boards may borrow from funds derived by county school boards by gift or devise, for use in building such school houses as in their sound judgment are necessary, in sums not exceeding \$1,000 for any one building, executing their obligations to the county board therefor. Acts 1908, p. 335, Supplement 1910, p. 788.

Sub-District School Boards.—See under powers and duties of county school boards, p. 50.

County School Boards.—The division superintendent is, *ex officio*, president of the county school board, and it is the duty of the board at its first meeting, and on the occurrence of a vacancy thereafter, to elect one of its members vice-president; and, in its discretion, it may appoint a clerk. Code, §§ 1442, 1444; p. 37.

The county school board is a separate and distinct corporation from that of the district school board of trustees of a county. *Kirkland case*, 11 Va. Law Register, 1016.

The county school board is required to make by-laws and regulations for its own government and for carrying out the duties imposed upon it by law, and to record them, and the proceedings of all its meetings, in a bound volume. The powers and duties imposed by law are as follows:

To hold a regular annual meeting between the 1st and 15th of August, the exact date to be fixed by the board; or, in default thereof, by the president of the board, whose duty it is to call meetings whenever in his judgment they are needed, and also when requested to do so by any two chairmen of the district boards of the county. Code, §§ 1443, 1445.

To invest and manage property, and receive and apply funds, set apart for the education of the poor, and for general educational purposes, in connection with the public free school system, in obedience to the will of the donor, or in accordance with the needs of the schools. Code, §§ 1447(4), 1449, 1483; pp. 145-149, 157-8.

To lend to district school boards for building school houses, from any special funds under the control of the county school board, sums not in excess of \$1,000.00 for any one building. Acts 1908, p. 335, Supplement 1910, p. 788.

To prepare and file with the division superintendent, on or before the 1st day of April in each year, an estimate, to be submitted by him to the board of supervisors, of the amount of money which will be needed during the next scholastic year for the support of the public free school system of the county, giving separate estimates for each district, based upon the estimates submitted by the district boards, which it is the duty of the county board to carefully revise. Code, §§ 1447(2), 1466(8); pp. 37, 169, ante.

If in its judgment the levy for school purposes is insufficient it is the duty of the county school board to make petition in writing to the board of supervisors praying for a reference of the question of an increased levy to the qualified voters of the county, or of a district, as the case may be. Code, § 1506.

To apportion the county school funds among the several districts of the county, according to its judgment, having due regard to maintaining, as far as practicable, a uniform term throughout all of the districts; provided that such primary and grammar schools as may be established in any school year shall be maintained at least four months of that school year before any part of the fund assessed and collected may be devoted to the establishment of schools of a higher grade. Code,

§ 1447(3). See also Acts 1910, p. 208, Supplement 1910 and p. 882, and p. 174, for basis of apportionment when a district is situated in more than one county.

To examine and compare reports and warrants of the treasurer and clerks of district school boards required by law to be laid before the county school board at its annual meeting in August, and cause all paid warrants to be properly cancelled. Code, §§ 1484, 1485, 1510; pp. 45, 58, 179.

To take such steps and institute such legal proceeding as may be necessary and proper to secure a complete settlement of the accounts of the treasurer or any district board of trustees, or any officer or member thereof, guilty or suspected, of any delinquency or irregularity in connection with the receipt or disbursement of any funds intended for public free school purposes, and to compel the payment of any balances that may be due, invoking, where necessary, the aid of the Commonwealth's attorney, whose duty it is to represent the county school board in such cases. Code, §§ 1484, 1485; p. 179.

To change the depository of the public school funds if at any time the treasurer fails to pay a warrant properly payable from funds in his hands and further fails to furnish within thirty days after being called upon therefor by the division superintendent a statement under oath of all moneys in his hands or collected by him, for school purposes, and of the amount disbursed. Code, § 1506a.

To examine into the manner in which trust funds held for public school purposes are being administered, requiring trustees of such funds to make full report to the board whenever called upon and to institute prompt proceedings before the civil courts to correct any irregularities discovered and secure a full and proper administration of such trusts. Code, §§ 1447, 1486.

The provisions of § 1447 do not apply to any rights or interests arising under the 25th clause of the will of Samuel Miller, dec'd, or to any funds now held by the Charlottesville district school board of Albemarle County.

To employ counsel and provide for reasonable attorney's fees, subject to approval by the court wherein the litigation is had, whenever necessary for the protection of the public schools of the county or any district thereof. Code, §§ 1447, 1486.

To select the State students for V. P. I. Code, § 1587.

To make annual report to the superintendent of public instruction, through the division superintendent of schools, on or

before the 10th day of September in each year, giving in detail all official acts of the board for the year closing the 31st day of July preceding, and have published a statement showing all receipts and disbursements of public free school funds in the county. Code, § 1446; Acts 1908, p. 555, Supplement 1910, p. 643.

The county school board may, in its discretion, supplement the salary of the division superintendent, provided it is not increased or decreased during a term of office. Code, § 1438.

It may order district school boards to pay each trustee, except the clerk, not exceeding \$10.00 in any one year, to cover expenses in attending meetings of the board. Code, § 1447, p. 193, post.

It may encourage meetings of teachers to be held from time to time, under such regulations as the division superintendent of schools may prescribe. Code, § 1481.

It may suspend, in whole or in part, the operation of the law making vaccination compulsory. Code, § 1496.

Under § 1470 of the Code, a county school board may, if after due consideration it deems it wise and to the best interests of the people, authorize the division of the school districts of the county into sub-divisions, each embracing the feeder territory for one primary school, to be governed and controlled by sub-district school boards elected, in the manner provided in said Act, by the male residents of the sub-districts so formed, who are tax payers therein and qualified to vote for members of the General Assembly of Virginia.

In due time, before the opening of the schools in any year following the adoption of this act by any county school board, it is the duty of each district school board therein to determine by specific boundaries what area shall attach to each school house for a primary school for white children, and what to each school house for colored children, in the respective districts throughout the county. These areas are called sub-districts, and their boundaries and numbers may be changed from time to time in the discretion of the district boards; but in establishing and altering such boundaries, the provisions of § 1503 of the Code must govern:

Code, § 1503. "The number of schools in the State shall be according to the funds available, and for this purpose the district school boards are authorized to provide for the consolidation of schools and the transportation of pupils."

The sub-districts for white and colored children must be considered as separate sub-districts, although the territories overlap, and only white persons may vote in the meetings of sub-districts for white persons, and only colored persons in the meetings of sub-districts for colored persons.

Special levies, within the constitutional limit of five mills on the dollar of assessed value of property taxable for local school purposes, may, by a majority vote of the freeholders of the sub-district cast in favor thereof, be demanded to be levied by the board of supervisors at the next meeting at which it fixes the general county levy for the ensuing year, which action of the board of supervisors must be forthwith certified by its clerk to the clerk of the sub-district affected thereby. It is the duty of the clerk and treasurer of the sub-district board to record the levies and collect the taxes thereunder, according to the provisions of said act. The sub-district treasurer is required to give bond.

If in the judgment of the county school board the operation of this law is injurious to the educational interests of the county, it may apply to the State Board of Education for relief therefrom, which that body has power to grant.

The procedure in all sub-district matters is laid down in careful and elaborate detail in § 1470 of the Code, as amended, a copy of which may be had, upon application to the superintendent of public instruction, by the school officials in any county desiring to take action thereunder.

School Trustee Electoral Boards.—The division superintendent is, *ex officio*, clerk of the school trustee electoral board, which must elect one of its members chairman. Code, § 1451.

The powers and duties of the school trustee electoral board are to elect the district school trustees of the county and to act as a permanent board of appeal under § 1487 of the Code. Code, §§ 1454, 1455; pp. 40, 53-4. See also Code, §§ 1492, 1493.

District school trustees must be appointed not more than thirty days before the first of September in each year, for a term of three years, one trustee for each district to be elected annually. The said electoral board also fills vacancies for unexpired terms.

No federal, State, or county officer, or any deputy of such officer, and no supervisor, may be chosen district school trustee *in a county*, except a fourth-class postmaster, a county super-

intendent of the poor, commissioners in chancery and of accounts, and notaries public. At the time of his appointment, a trustee must be a resident of the district for which appointed, and removal therefrom vacates his office. No person unable to read and write may be appointed a school trustee.

Code, §§ 1454, 1459, 1460.

See p. 40, ante, for decision in *Commonwealth v. Barrett*, 14 Va. Law Register, 271, defining the term "State officer."

The school trustee electoral board has the power and duty of declaring vacant, and filling, the office of any trustee who fails to qualify within thirty days after being notified of his appointment, or who fails to discharge the duties of his office according to law. In this connection, the board has power to summon witnesses and require official records to be produced before it, and of imposing a fine of not exceeding \$10.00 for failure to obey its summons. Code, § 1455.

Any member may call a meeting by giving notice to the other two; two members constitute a quorum, but the concurrence of a majority of the board is necessary for valid action. Code, § 1456.

The clerk of the school trustee electoral board is required to furnish to the superintendent of public instruction a list of the school trustees from each district in the county, with addresses, dates of appointment, and any other information asked. He must promptly notify the board when vacancies occur in the office of district school trustee, and give the members thirty days notice in advance of the expiration of a regular term of office; notify all trustees of their appointment, forwarding them blank form, secured from the superintendent of public instruction, of the official oath they are required to take, and must record all proceedings of the board in a bound volume. Code, § 1457.

Nothing contained in the above provisions is to be construed as interfering with the election of city school trustees by municipal councils. Code, § 1458.

Retiring School Officers—

Retiring school officers are required to deliver to their successors in office all records and official papers, under penalty for failure of a fine of from \$25.00 to \$100.00, and a like penalty for each month such records and papers are withheld. Code, § 1473.

Penalties for Offending Against the School Laws—

Any school officer or teacher in the public schools who by malfeasance or neglect offends against the provisions of the school law is subject to a penalty—if no specific penalty is prescribed—of not less than \$5.00 nor more than \$50.00 for each offense. Code, § 1474.

All penalties and forfeitures imposed by the school law upon a treasurer, or any school officer or teacher, belong to the literary fund.

The suit for such penalties must be in the name of the Commonwealth, and if prosecuted in a court of record, it is the duty of the attorney for the Commonwealth to prosecute the proceedings. It is also his duty, and the duty of any county, or district, school officer, as the case may be, to set such prosecution on foot. But no person may be subjected the second time to a penalty inflicted for any such offense by any of the school authorities in pursuance of the school law. Code, § 1475.

Appellate Jurisdiction

In the counties, the school trustee electoral boards are constituted permanent boards of appeal. Any five interested heads of families, residents of the district, aggrieved by the action of any district school board, may within thirty days after such action state their complaint in writing to the division superintendent of schools, and if he cannot, within ten days after receipt of the complaint, satisfactorily adjust it, he is required to grant an appeal to the school trustee electoral board, which must meet in the district where the complaint originated, summon witnesses, require any official records, papers or books pertaining to the case to be produced before it, hear and finally determine all questions at issue. A fine not exceeding \$10.00 for each offense of failure to obey such summons may be imposed by the board upon any witness. The chairman has power to administer oath to any witness appearing before the board. Such action as is taken must be recorded in its minutes, and in the record book of the district board whose action is reviewed. Code, §§ 1455, 1487.

The school boards of cities are subject to no other authority than the State Board of Education and the superintendent of public instruction. See *Kirkland case*, cited p. 46, ante.

Appeal lies from decisions of the superintendent of public instruction to the State Board of Education; provided that all

facts and arguments in each case are presented in writing, and in such form as the board may prescribe. Code, § 1433(9).

The board of supervisors or any five citizens of a county may by motion appeal to the circuit court, or to its judge in vacation, from an adverse decision on the title to any property desired to be acquired by a school board, rendered by the attorney designated by said court to examine and pass upon the same. They must submit with the motion, their petition accompanied by evidences of title, and give ten days notice to the attorney who passed upon the title. From the decision of the circuit court, or its judge in vacation, appeal lies of right to the Supreme Court of Appeals. Code, § 824.

Parents or guardians aggrieved by the conditions fixed by a city school board for the admission of their children to the schools of a city in which they are not resident, have the right of appeal to the State Board of Education. Code, § 1493.

Any tax-paying parent or guardian domiciled in Virginia who is refused admission for his children or wards to the schools of any district in which he is not a resident, or if aggrieved by the decision of the division superintendent as to the right or terms of admission to the schools of another than his residence district, has the right of appeal to the school trustee electoral board of the district wherein the school desired to be attended is located, and the decision of that board shall be final, both as to the propriety of attendance, and the terms. Code, §§ 1492, 1493. See Appendix pp. 264-5.

State, County, and City Officers Having Powers and Duties in Connection with Public Education

The following State, county, and city officers have also official duties and powers in connection with public education in the State:

Commonwealth's Attorneys—Election—Terms of Office—

Commonwealth's attorneys for the counties and cities are elected by the qualified voters at a general election held on Tuesday after the first Monday in every fourth November, to serve for terms of four years. The term of the present incumbents of office in the counties will expire on the 1st of January, 1916, and their successors will be elected in November, 1915; in the cities the term will expire on the first of January, 1918,

and the successors to the present incumbents elected in the preceding November. Const., §§ 110, 112, 119; Code, §§ 92, 98.

Powers—Duties—

It is the duty of the Commonwealth's attorney to act as attorney for the school boards of his division in instituting such legal proceedings as the boards may think proper to compel the settlements of account required by law of custodians of school funds or property, and to set on foot and conduct prosecutions for penalties and forfeitures imposed by law. Code, §§ 1422, 1424, 1475, 1486. See pp. 49, 53, 179, 180.

In the counties it is also his duty to serve as a member of the school trustee electoral board, and to examine the cash to balance the account of school funds exhibited to him by the treasurer of the county on the first of October in each year. Code, §§ 786a(5), 1450. See pp. 41, 58, 180.

County Supervisors—Election—Term of Office—

In each magisterial district of a county (see p. 15), the qualified voters elect one supervisor at a general election held on Tuesday after the first Monday in every fourth November, to serve for a term of four years from the first of January succeeding the election. The term of the present incumbents will expire January 1, 1916, and their successors will be elected in November, 1915.

These district supervisors together form the County Board of Supervisors. Const., §§ 111, 112; Code, § 96.

Powers—Duties—

It is the duty of the board of supervisors to fix and order the county and district school levies and provide for their collection, and pass upon claims against the county, and they may, in their discretion, appropriate dog tax to the support of the schools. Const., § 111; Code, §§ 501a, 833a, 1447(2), 1506. See pp. 136-139, 170.

They are authorized to appropriate money for the establishment, equipment or maintenance of agricultural schools (Acts 1910, p. 328, Supplement 1910, p. 911), and to expend annually a sum not exceeding \$1,000.00 for the promotion of agriculture in their respective counties. Acts 1912, p. 653, Biennial 1912, p. 234. See also p. 563 of Acts 1912, for special provision for an appropriation of \$3,000.00 by Wythe County.

They may supplement the salary of the division superintendent of schools, but may not change it during his term of office. Code, § 1438.

They have the right of appeal from the decision of the circuit court or its judge in vacation in the matter of title to public school property. Code, § 824. See pp. 54, 155.

They are required by § 1506(3) of the Code, upon petition from the county school board, to submit the question of an increased levy for district school purposes to the qualified voters of the county, or district, as the case may be.

Whenever a district school board petitions for a reference of the question of a bond issue for school improvement, to the qualified voters, it is the duty of the board of supervisors to confirm and approve the school board's petition and statement of facts by proper resolution, if in their judgment the facts so warrant, and if the special election is ordered, it is their further duty to attend to the details, pay the costs, and record the result thereof. Acts 1910, p. 279, Supplement 1910, p. 687. See pp. 164-6.

They have power to cause persons within the county to be vaccinated with genuine vaccine matter, and to fix the fines and penalties for disobedience, making provision at the cost of the county for those unable to pay. Code, § 1733.

City Councils and Mayors of Cities—Election—Terms of Office—

Councils and mayors of cities are elected on the second Tuesday in June of every fourth year, and their terms of office begin on the first day of the succeeding September and continue four years. The terms of the mayors now in office expire September 1, 1916, and their successors will be elected in the preceding June. Const., §§ 121, 122; Code, §§ 98, 1015a, 1015b.

Powers—Duties—

City councils have the following powers and duties in connection with the public free schools—acting with the mayor:

To appoint trustees to manage and control the affairs of the public free schools of the city. Code, § 1528; p. 39, ante.

To provide funds for the establishment and maintenance of the public free schools of the city, either by levy made on or before the fourth Monday in July in each year, or as soon thereafter as practicable; or, in their discretion, by an appropriation in lieu of such levy. Const., § 136; Code, § 1529; pp. 47; 139, post.

To provide for the collection of any local school taxes levied. Const., § 136.

To select the character and design of fire-escapes whenever they are required on school buildings. Code, § 1067a; p. 154, post.

They may, out of any surplus funds in the treasury, supplement the salary of the division superintendent of schools, but they may not change the amount thereof during a term of office. Code, § 1438.

They have power to cause persons within the city to be vaccinated with genuine vaccine matter, and to fix the fines and penalties for disobedience, making provision at the cost of the city for those unable to pay. Code, § 1733.

Treasurers—Election—Terms of Office—

County Treasurers are elected by the qualified voters of the county on Tuesday after the first Monday in every fourth November, for a term of four years from the first of January succeeding their election. The term of the present incumbents will expire January 1, 1916, and their successors elected in November, 1915. Const., §§ 110, 112; Code, § 92.

City Treasurers are elected by the qualified voters of the city on Tuesday after the first Monday in every fourth November, for a term of four years from the first of January succeeding their election. The term of the present incumbents will expire January 1, 1918, and their successors will be elected in November, 1917. Const., § 120; Code, § 98.

Powers—Duties—

The provisions of the school laws for county treasurers apply in like manner to treasurers of towns constituting single school districts, and, unless otherwise provided, to city treasurers. Code, §§ 1518, 1522.

It is the duty of each county and city treasurer to receive the State revenues and the county and city levies and account for and pay over the same in the manner provided by law. Code, §§ 602, 603, 604 (Ch. 27 of Code), §§ 786a, 833, 853a.

The county treasurer must in all cases collect and disburse, or invest, the funds placed under the control of a county or district school board. Code, § 1449. Under Acts 1908, at p. 7, this applies also to cities of the second class. See pp. 170-7, post.

All funds designed for the benefit of the public free schools of a city must be deposited with its treasurer and kept by him in separate accounts and disbursed only on orders from the city school board. Code, § 1531.

Funds received under Act of 1906, p. 350, providing for the establishment and maintenance of a system of public high schools, must be placed by the treasurer to the credit of the high school fund and used for no other purpose. See p. 175.

All warrants drawn by district school boards upon the State school fund must be paid by city or county treasurers out of any State funds received by them from the auditor's office. In no case may a treasurer pay out a greater sum for any district than the amount of State school funds apportioned to that district. Code, § 1509.

It is the duty of the treasurer to furnish for use of the county school board at its annual meeting in August a report for the school year closing June 30th preceding said meeting, showing in detail all transactions pertaining to the receipts and disbursements for said school year, with books, vouchers and other official papers which contain accounts or evidence of receipts or disbursements, and deliver for cancellation all paid warrants. Code, § 1484.

It is likewise his duty to settle his accounts for the fiscal year as follows:

With the Auditor of Public Accounts on or before the 1st of September. Code, § 853a.

With the Board of Supervisors at their regular meeting in the month of July, or soon thereafter as practicable, not later than October 1st. Code, §§ 786a(5), 833. See p. 180, post.

With the County School Board by the 1st of October. Code, § 786a(5).

On the 1st of October in each year he is required to exhibit to the Judge of the Circuit Court and the Commonwealth's Attorney the cash to balance his accounts with the county levy and the county school funds, if any be due. Code, § 786a(5).

See pp. 139-140, 169-181, post, for full statement of administration of public free school funds.

Judges of Circuit and Corporation Courts—Election—Terms of Office—

Judges of circuit and corporation courts are elected by the joint vote of the two houses of the General Assembly to serve for terms of eight years. Const., § 96.

Powers and Duties in Connection with the Public Free School System—

In addition to their general judicial functions affecting the public free school system, the judges of the circuit courts of counties have the power and duty of appointing resident qualified voters to serve as members of the school trustee electoral boards in their respective circuits. Code, § 1450. See p. 41, ante.

In connection with all contracts for the purchase of real estate by school boards, it is the duty of the court having jurisdiction, or its judge in vacation, to designate a competent and discreet attorney-at-law to examine and pass upon the title to the property and fix his compensation. Code, §§ 824, 1488.

State Auditors—Election and Term of Office—

The State auditor of public accounts and the second auditor are elected by the joint vote of the two houses of the General Assembly every four years. Their term of office begins on the 1st of March following their election, and continues for four years and until their successors are elected. The term of the present incumbents will expire on the 1st of March, 1916. Const., § 82; Code, §§ 223, 224.

Powers and Duties in Connection with the Public Free School System—

All moneys paid into the State treasury, or drawn therefrom, must be upon warrant signed by the auditor of public accounts, or the second auditor. Code, §§ 752, 772. See pp. 175-6.

The Auditor of Public Accounts is required to pay over in money, annually, according to the usual forms and general provisions of the law, all that portion of the annual revenue of the State which is set apart for public free school purposes. To this end it is his duty to have the books of the commissioners of revenue prepared with reference to the separate assessments and collection of the school taxes, preparing the land and property books with three columns, one for entering the county school levies, one for entering the district school levies, and the third for entering the name or number of the school district where the property is taxed. Code, §§ 1505, 1514, p. 2266, cl. 145. And in this connection it is his further duty to require from county and city treasurers the reports and settlements the law demands, including in his published annual

report a table of the detailed information required to be furnished by them not later than the 1st of September in each year. Code, §§ 604, 853a.

In making settlements with treasurers, the auditor has authority to credit them with the amount of any lost school warrant, upon the production of satisfactory evidence that the same has been lost, and that the amount has been paid by the treasurer in the manner prescribed by law, taking from the treasurer a bond in sufficient amount, with proper security, conditioned to save the Commonwealth harmless by reason of the amount of the lost warrant. Code, § 773b.

It is his duty to annually apportion the State school funds among the counties and cities of the Commonwealth, in accordance with the scheme of apportionment provided by the State Board of Education, and to send to the county and city treasurers warrants upon the State treasury for the sums to which their divisions are respectively entitled. Code, §§ 1505, 1507.

He is custodian of the bonds required of certain school officials. Code, § 228.

The Second Auditor is the custodian of all securities and money belonging to the literary fund, including the evidences of debt taken for loans made therefrom to district school boards. He is also custodian of the retired teachers' fund and of the special appropriation made by the General Assembly for high schools. All moneys belonging to these funds must be received into the State treasury on the warrant of the second auditor.

His further duties are: to institute proceedings ordered by the State Board of Education for recovery of money due the literary fund; to require county treasurers to pay past due interest or principal on loans from the literary fund to the district school trustees; to pay by his warrant on the State treasury, attested by one of his clerks, all claims out of the literary fund allowed by the State Board of Education, certified by its treasurer and presiding officer; to pay the salaries allowed to the division superintendents of schools from the State fund, and teachers' pensions; to serve as accountant of the literary fund, which he is required to keep in a separate account; and, on or before the 1st day of November in each year, to make annual report to the governor giving a synopsis of the financial condition of his department, rendering therewith a list of the securities for money belonging to the literary fund

and the retired teachers' fund, with a statement of their value. Code, §§ 783, 1432, 1433(11) (12), 1438; Acts 1908, p. 106, Supplement 1910, p. 685; Acts 1914, p. 715, Biennial 1914, p. 312; pp. 181-3, post.

State Treasurer—Election and Term of Office—

The State treasurer is elected at the same time and for the same term as the governor. Code, § 87. See p. 30, ante.

Duties and Powers in Connection with School Funds—

The State treasurer is required to keep in a separate account all money belonging to the literary fund, showing receipts and disbursements, and to keep a separate account of each branch of the revenue. Code, §§ 780, 781.

State Accountant—Joint Auditing Committee—Qualifications—Appointment—Term of Office—

The State accountant is appointed by the governor, upon the recommendation of the joint auditing committee, for a term of four years from the first of July following his appointment. There must be selected for the place an experienced and expert accountant who for at least four years prior to his appointment has been engaged in the business of accounting.

The joint auditing committee is a standing committee, consisting of two members of the Senate and three of the House of Delegates, appointed by the General Assembly at each regular session, and charged with the duty of examining annually, or oftener, in its discretion, the books and accounts of the executive officers at the seat of government whose duties pertain to auditing or accounting for the State revenue, of reporting the result of these investigations to the governor, to be submitted to the Senate for appropriate action, and publishing them in two newspapers of general circulation in the State.

The governor may remove the State accountant at any time for malfeasance or misfeasance in office, or for incompetency, and fill any vacancy occasioned thus, or otherwise.

Powers and Duties of State Accountant in Connection with School Funds—

It is the duty of the State accountant, and he is given authority, under direction of the joint auditing committee, to devise a modern, effective and uniform system of bookkeeping and accounting for the various State offices, among others, those

handling school funds, and for educational, as well as for other, institutions maintained in whole or in part by the State.

To inspect and scrutinize from time to time the accounts and vouchers of all State officers and institutions mentioned above, and to report to the auditor of public accounts and the governor any irregularities found; except that irregularities in the accounts of the auditor of public accounts must be reported to the governor and the General Assembly.

Const., §§ 68, 84; Acts 1910, p. 243, Supplement 1910, p. 893, and Acts 1914, p. 202, Biennial 1914, p. 331. See pp. 188-9.

Removal of Officers

Circuit and corporation courts have power within their jurisdiction to remove from office all county, city, and district officers for malfeasance, misfeasance, incompetency, or gross neglect of official duty, upon motion after notice; and, except for appointed offices, the officer affected has the right to demand trial by jury. This provision does not interfere with the powers of mayors of cities or with the provisions of city charters, or ordinances passed in pursuance thereof, for the removal of city officers. Code, § 821.

Officers Chosen at Special Election to fill Vacancies

Any person chosen at a special election to fill a vacancy in any public office must enter upon the duties thereof as soon as he qualifies and continue to discharge the same until the person chosen to fill the office qualifies. Code, § 103.

Elections for Public Free School Purposes

All elections for public free school purposes are required to be held only after due notice thereof given by writ of election directed to the sheriff of the county or the sergeant of the corporation, under the provisions of § 115 of the Code. Code; § 101.

All officers who under the general laws are charged with the conduct of elections and the determination of the results thereof are required to render official service in the matter of votes ordered for public free school purposes under regulations prescribed by the State Board of Education. Code, § 101. See also Code, §§ 115, 146.

Part II.

INSTITUTIONS EDUCATIONAL IN CHARACTER

CHAPTER III

STATE INSTITUTIONS OF LEARNING

The following State institutions of learning in Virginia are maintained in part, or aided, by State appropriations:

(See Appendix, pp. 233-4, for requisites for registration by the State Board of Education as a university or college.)

STATE INSTITUTIONS OF LEARNING FOR MEN**The University of Virginia, Located at Charlottesville**

The following branches of learning are required to be taught at the University of Virginia: the Latin, Greek, Hebrew, French, Spanish, Italian, German, and Anglo-Saxon languages; the different branches of mathematics, pure and physical; natural philosophy, chemistry, mineralogy, including geology; the principles of agriculture, botany, anatomy, surgery, and medicine; zoölogy, history, ideology, general grammar, ethics, rhetoric and belles lettres; civil government, political economy, the law of nature and of nations, and municipal law. Code, § 1552.

Ch. 80, §§ 1776-83 of the Code, makes provision for dead bodies for use in the promotion of medical science in the State medical schools.

Clerks of the Supreme Court are required to mail to the law library of the University one copy each of all briefs and records as promptly as may be after they are filed, to be preserved for the use of students, professors, and others entitled to the use of said library. Acts 1912, p. 58.

State appropriations to the University are conditioned upon instruction being given to properly prepared white students from Virginia without charge in the academic department for tuition or a University fee of more than \$10.00. This \$10.00 covers all the items formerly covered by the University fee of \$40.00 charged State students in the academic department until 1906, when, in consideration of an increased appropriation it was lowered to \$10.00. This is not to interfere with the requirement for a contingent deposit of \$10.00.

The academic department consists of the following schools: Latin, Greek, modern languages, pure mathematics, moral philosophy, natural philosophy, historical science, agriculture, zoölogy and botany, natural history and geology, general and industrial chemistry, and English language and literature.

Code, § 1554, as amended by Acts Appropriating the Public Revenues, 1906, p. 179; 1908, p. 420; 1910, p. 395; 1912, p. 237; 1914, p. 314.

The president and professors are paid stated salaries and the professors are authorized to receive such additional compensation out of fees for tuition and other revenues of the University as the board of visitors may from time to time direct. Code, § 1551.

Beneficiary of Carnegie Foundation.—On the 15th of June, 1908, the rector and visitors of the University of Virginia passed the following resolution, which was approved by the governor of the State on the 5th of September, 1908, and by Act of February 12, 1910, the General Assembly approved the action so taken and consented that the benefits of the Carnegie Foundation for the advancement of teaching be accepted by the University of Virginia. Acts 1910, p. 23, Supplement 1910, p. 861.

“Virginia appreciates the high purpose of Mr. Andrew Carnegie in establishing the Carnegie Foundation for the advancement of teaching. They perceive clearly its far-reaching and beneficent results in advancing the dignity of the teacher’s office, in protecting the old age of unselfish public servants, and in increasing the efficiency and promoting the elevation of the standards of American colleges and universities.

“They, therefore, desire that the University of Virginia shall participate in the benefits of the foundation, and hereby make application for admission of the University of Virginia into all rights and privileges of the Carnegie Foundation for the advancement of teaching.”

The General Alumni Association of the University of Virginia (successor to the Society of Alumni) has for its object the establishment of an endowment fund for the use and benefit of the University and the promotion of its general prosperity and welfare. Acts 1910, p. 389. See p. 77.

The Virginia Military Institute, Located at Lexington

Not less than fifty young men, between sixteen and twenty-five years of age, one from each senatorial district, and eleven from the State at large, must, upon evidence of fair moral

character, be admitted by the board of visitors as State cadets, free of charge for board and tuition. When no suitable person applies from a district, the vacancy may be supplied from the State at large, but due notice of the time and place of making appointments to fill vacancies in any district must be given. Code, § 1575.

Every cadet availing himself of the privilege of free board and tuition as a State student for two years or more is obligated thereby to teach, within the three years immediately after leaving the institute, for two years in some school in the State; or, at his option, he may serve an enlistment in the National Guard of the State, or serve for a period of two years as an engineer on the State Highway Commission; or else forfeit the bond he is required as a State cadet to give upon entering the institute, covering the cost of the board and tuition remitted; and neither infancy nor the statute of limitations may be held to bar recovery of the debt, or any part thereof. The discharge of the duties of any one of said occupations within the time prescribed is accepted in fulfillment of the obligation, but until it is so fulfilled, he is required to make report in writing to the superintendent of V. M. I. on or before the first day of June in each year succeeding the date of his leaving the institute. The board of visitors has the right to excuse students from the discharge of these obligations in such cases as they deem right and proper. Code, § 1582.

The board of visitors prescribes the terms upon which pay cadets may be admitted, the course of their instruction, and the nature and duration of their service. Code, § 1574.

It is the duty of the board of visitors to employ professors to give instruction in military science, and in such other branches of knowledge as it may deem wise. Code, § 1572.

The cadets form a military corps, under the command of the superintendent, constituting the guard of the institute. Code, § 1578.

Any commissioned officer of the State militia may become a student at the institute for a period not exceeding ten months, and receive instruction in any and all departments of military science taught therein, without being required to pay any fee or tuition. Code, § 1577.

The officers of the institute are commissioned officers of the Virginia volunteers, subject to orders of the governor and to the same rules and regulations as to discipline provided for

other commissioned officers of the military organizations of the State, and the governor is authorized and directed to issue commissions to its professors, assistant professors, and other officers, according to the rank prescribed by the institute. Such commissions do not entitle the holders to any pay or emolument by reason thereof unless assigned to duty with the Virginia volunteers by order of the governor. In such event, their rank is relatively inferior to that of all officers of the same grade in the Virginia volunteers. Code, § 1573.

**Virginia Agricultural and Mechanical College and Polytechnic
Institute, Located at Blacksburg
(Hereinafter Called V. P. I.)**

Students equal in number to four times the membership of the House of Delegates, apportioned in like manner, have the privilege of attending the V. P. I. without charge for tuition, use of laboratories or public buildings. They are selected, for periods of two year each, by the school trustees of the respective divisions of the State, with reference to the highest efficiency and good character, from among the white male students of the free schools; or, in the discretion of the trustees, others than students of the public schools may be selected. Upon recommendation of the faculty, the period of two years may be lengthened by the board of visitors for any student, selected as above, who shows more than ordinary diligence and proficiency. Code, §§ 1587, 1590.

The curriculum of the college embraces such branches of learning as relate to agriculture and the mechanic arts, without excluding other scientific and classical studies, and including military tactics. Code, § 1589. A school of mines was established in 1908. Acts 1908, p. 367, Supplement 1910, p. 792.

Each professor receives a salary, fixed by the board of visitors, which body likewise fixes the fees to be charged for tuition of students other than those received free of charge as above. These tuition fees belong to the funds of the college. Code, § 1597.

The Virginia State Agricultural Experiment Station, established at the V. P. I., has for its general object the promotion of scientific investigation and experiment respecting the principles and application of agricultural science, and the acquire-

ment, and diffusion among the people of the State, of useful and practical information on subjects connected with agriculture.

The principal work of the station is to conduct original research or verify experiments on the physiology of plants and animals; the diseases to which they are subject, and the remedies therefor; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping as pursued under a varying series of crops; the capacity of new plants and trees for acclimation; the analysis of soils and water; the chemical composition of manures, natural and artificial, with experiments designed to test their comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of different kinds of food for domestic animals; the scientific and economic questions involved in the production of butter and cheese, and such other researches and experiments bearing directly on the agricultural industry of the State as may be deemed advisable.

So far as the means of the station permit, bulletins and crop reports of progress are published from time to time, and one copy of each sent to every newspaper in the State and to such individuals actually engaged in farming as may request them. Acts 1906, p. 386, Supplement 1910, p. 683.

A further purpose of the station is to protect, by proper quarantine laws and regulations, the domestic animals of the State from all contagious or infectious diseases of a malignant character, whether existing in the State or elsewhere. Code, §§ 1599, 1599a.

The Demonstration Work of the State is also a department of the V. P. I., and under its control. Acts 1914, p. 710, Biennial 1914, p. 497.

Its object is to instruct farmers in improved methods of agriculture, horticulture, stock-raising, and everything for the advancement of the agricultural interests of the State, by conducting demonstrations on farms, and assisting farmers with instruction and advice on all technical agricultural subjects and carrying information to them from the agricultural college, the experiment station, and all other sources. To this end, the demonstration or county agents may be authorized and required to assist by teaching, demonstration, and otherwise.

These agents may be further authorized, if deemed wise by the president of the V. P. I., to conduct boys' demonstration clubs and girls' canning clubs, and the State Board of Education is authorized to make such coöperative arrangements with him as it may deem wise for the coördination of such work with that of the county schools of the State.

The College of William and Mary in Virginia, Located at Williamsburg

By Act of March 7, 1906, the General Assembly assumed ownership and control by the State of this institution, upon the following representations made and conditions fixed:

"Whereas it is represented that William and Mary College is desirous of establishing and maintaining in connection with its collegiate course a system of normal instruction and training, so as to prepare white male teachers for the public free schools of the Commonwealth, and is unable to do so because of the inadequacy of its resources, and is desirous of transferring to the ownership and control of the State for educational purposes, all its real estate and personal property; therefore, to aid the college in the purposes aforesaid, but subject to such conditions and restrictions as are herewith mentioned;

"1. Be it enacted by the General Assembly of Virginia as follows: That the said college shall establish in connection with the collegiate course, which shall be maintained, a system of normal instruction and training for the purpose of educating and training white male teachers for the public free schools of the State."

"5. The board of visitors shall prescribe rules for the examination and admission of the pupils applying for normal instruction, and shall require each pupil to give satisfactory assurance of his intention and willingness to teach in the public schools of the State for at least two years after leaving said institution, and each of said pupils shall have, free of charge for tuition, the privileges of the collegiate course.

"6. Each county and city in the State shall be entitled to one pupil, who shall be nominated by the division superintendent of schools, and if any vacancy occurs it shall be filled from the State at large by the board of visitors, and each county and city in the State shall also be entitled to one additional pupil for each additional representative in the house of delegates above one, to be appointed in a similar manner. The said pupil, so appointed, shall be exempt from tuition fees, and the charge for their board, washing, lights, and fuel shall not exceed the sum of twelve dollars per month."

Acts 1906, p. 94, Supplement 1910, p. 573.

The Medical College of Virginia, Located at Richmond

The custom of receiving State students is continued, ten in the medical department and four in the pharmacy department. The scholarships in the department of dentistry were discon-

tinued in order to secure admittance for it in the National Association of Dental Faculties, which has a rule that no school belonging to it may give free scholarships unless obliged to do so by its charter, or, in the case of State institutions, by legislative enactment. These dental scholarships were given by the faculty as a token of appreciation of the annual appropriation made by the State for the maintenance of the college and not for either of the reasons mentioned above; therefore, the discontinuance of them became necessary.

From the Annual Report of the Medical College of Virginia to the superintendent of public instruction for the year ending June 30, 1913, submitted October 12, 1914.

Ch. 80, §§ 1776-83 of the Code, makes provision for dead bodies for use in the promotion of medical science in the State medical schools.

STATE INSTITUTIONS OF LEARNING FOR WOMEN

State Normal School for Women at Farmville

This institution is for the training and education of white female teachers for the public schools of the State.

Every county and city in the State is entitled to free tuition for one pupil, and one for each additional representative in the House of Delegates above one. These students, selected under rules prescribed by the Virginia Normal School Board, are required to give satisfactory evidence of intention to teach in the public schools of the State for at least two years after leaving school. Code, § 1611.

State Normal School for Women at Harrisonburg

State Normal School for Women at Fredericksburg

State Normal School for Women at Radford

These schools are maintained for the training and education of white female teachers for the public free schools of the State.

Each county and city of the State is entitled to free tuition for one pupil in each of said schools, and one additional in each school for every additional member of the House of Delegates, above one; nominated by the division superintendent of schools, under rules for selection prescribed by the Virginia Normal School Board, with right to the said Board to increase

the number of pupils to be selected as above. Satisfactory evidence of an intention to teach at least four years after leaving normal school must be given. Acts 1908, p. 427, and Acts 1910, p. 176, appropriating the public revenues.

State Students' Loan Fund

The State Students' Loan Fund is for the benefit of needy and deserving students of talent and character, in the academic departments of the University of Virginia, the Virginia Military Institute, the Virginia Agricultural and Mechanical College and Polytechnic Institute, the College of William and Mary, and the State Normal Schools for Women at Farmville, Harrisonburg, Fredericksburg, and Radford, who might not otherwise be able to obtain an education at such institutions.

Loans to any one student in any one year are limited to \$100.00, bear interest at 4%, and are made upon such terms and conditions as to time, security, etc., as may be determined in each case by the authorities of the respective institutions.

The said State Students' Loan Fund was established by the General Assembly by Act of March 14, 1906, appropriating the public revenue; except that the State Normal Schools for Women at Harrisonburg and Fredericksburg were not included in its benefits until the passage of the Act of March 16, 1910, and the State Normal School for Women at Radford until the passage of the Act of March 23, 1914.

The Acts of 1908 (p. 430), 1910 (pp. 404, 417), and 1912 (pp. 253, 270), provided that *for five years after their respective dates of passage* each of the institutions severally named therein might draw from the treasury of the State, in addition to the annual appropriation made to each of them for support, a sum not to exceed in amount one per cent of such appropriation. The Act of 1914 (pp. 335, 359) makes no mention of any limit of time during which said one per centum may be annually drawn for said purpose.

The said fund, with all repayments and accretions, is required to be held by the said institutions, respectively, preserved from depletion, and used for no other purpose than above stated. Full report of all transactions in connection therewith must be made to the superintendent of public instruction not later than July 1st in each year.

STATE INSTITUTIONS OF LEARNING FOR COLORED STUDENTS—CO-EDUCATIONAL

Virginia Normal and Industrial Institute, Located at Petersburg

A number of colored students equal to twice the number of members of the House of Delegates, and apportioned in the same manner, must be admitted free of charge for tuition, use of laboratory or public buildings, and upon terms as to board and other expenditures prescribed by the board of visitors.

These State students must be selected by the division superintendents of schools from the colored pupils of either sex, not less than fifteen years of age, attending the free schools; or, in the discretion of the division superintendents, from outside the free schools. Superior efficiency in study and good moral character are to be duly regarded in making the selections.

When no suitable person applies from a district, the vacancy may be filled by the board of visitors from the State at large. Due notice of vacancies existing or likely to occur must be given by the president of the institute to the division superintendents.

As a condition precedent to admission, State students must enter into a written contract with the board of visitors to engage in teaching, or other educational work, for not less than two years, provided they are not thus deprived of any compensation they might otherwise be able to obtain for teaching or other educational work. Should any student fail to comply with his contract, he may be released upon payment of one-half of the tuition and other fees remitted. Code, § 1613(8) (9).

This institution is required to make provision for a normal and an industrial department and such other departments as may be deemed expedient and proper. Code, § 1613(1).

Hampton Normal and Agricultural Institute, Located at Hampton

There has been set apart for this institution one-third of the income arising from the investment of funds derived from the sale of land scrip allotted to Virginia under Acts of Congress passed July 2, 1862 and August 30, 1890; the other two-thirds going to the V. P. I. Code, §§ 1586, 1598. See pp. 119, 124, post.

This State appropriation is conditioned upon the continued maintenance and support in the institution of one or more

schools or departments, the leading object of which is instruction in such branches of learning as relate especially to agriculture, the mechanic arts and military tactics, and the General Assembly reserves the right to withdraw the whole or any part of the benefit of the said appropriation. Code, §§ 1602, 1607.

Not less than one hundred students, selected by the trustees of the institute, with reference to their character and efficiency, from the colored free schools of the State, have the privilege of attending the said institution upon the same terms that State students are allowed to attend the V. P. I. (See p. 68, ante.) Code, §§ 1587, 1590, 1602, 1603, 1605.

CHAPTER IV

ADMINISTRATION OF STATE INSTITUTIONS OF
LEARNING

Section 142 of the Constitution provides that members of boards of visitors, or trustees, of educational institutions shall be appointed for terms of four years, in such manner as may be provided by law; one-half, or the least majority, to be appointed every two years.

University of Virginia**Administration—**

The University of Virginia is governed by a board of ten visitors, including the superintendent of public instruction, together forming a corporation under the name and style of "The Rector and Visitors of the University of Virginia," which is at all times subject to control by the General Assembly. The visitors are appointed by the governor, by and with the consent of the Senate, to serve for terms of four years, three always to be selected from the grand division of the State in which the University is located, and two from each of the other grand divisions. If any visitor fails to perform the duties of his office for one year without sufficient cause shown to the board, his place is made vacant. Vacancies other than by expiration of term are filled by the governor, subject to ratification or rejection by the Senate at the next session of the General Assembly. Terms of members extend over until their successors have been appointed and qualify, but the new appointments must be made sixty days before the expiration of the respective terms. Code, §§ 1541, 1542, 1543; Acts 1906, p. 539, Supplement 1910, p. 692.

In addition to its other powers, the University of Virginia has all the corporate powers given corporations by the provisions of Chapter V of the Act Concerning Corporations, except where by express provision that chapter is confined to corporations created under it. Code, § 1541.

It also has power to accept, execute, and administer any trust in which it may have an interest, under the terms of the instrument creating the trust. Code, § 1541.

It is not lawful for the rector and visitors of the University, without the consent of the General Assembly previously obtained, to issue its obligations to be secured by deed of trust on its real estate. Code, §§ 1541, 1556.

Organization, Powers, and Duties of Board of Visitors—

The board of visitors organizes at its first meeting after the 28th of February in every fourth year, when it appoints a secretary, and from its own number a rector to serve for four years and who presides over the meetings of the board. In the absence of these officers, the board appoints substitutes *pro tempore*, and it has power to fill vacancies for unexpired terms.

At least one meeting a year must be held at the University, and the board may arrange for other meetings at such times and places as it may determine. Special meetings may be called by the rector or any three members, and in every case it is the duty of the secretary to give to every member notice of the time and place of meeting. Five members constitute a quorum.

At every regular annual meeting, it is the duty of the board to appoint an executive committee, composed of not less than three nor more than five of its number, for the transaction of business in the recess of the board, to serve for one year, or until the next regular annual meeting. It is the duty of this committee to meet at the University at least two days before the regular annual meeting of the board, and on some day not later than the 15th of October in every year. Code, §§ 1544, 1545.

The board has the following additional duties and powers:

To appoint a president and as many professors as it may deem proper, prescribe their duties, and with the assent of two-thirds of the board remove any of them from office; and it may also appoint a bursar and proctor, and employ any other agents or servants; but before making appointment of a president, proctor, or professors, it is required to give thirty days' notice by publication for four successive weeks in some daily newspaper of good circulation published in Richmond, Virginia, stating the time and place when the appointment will be made. Code, § 1546.

To care for and preserve all property belonging to the University and regulate the renting of the hotels and dormitories. Code, § 1546.

To prescribe the course and mode of instruction, regulate the government and discipline of the students and generally in

respect to the government and management of the institution, make such rules and regulations as it may deem expedient and not contrary to the law. Code, § 1546.

To examine into the progress of the students each year and give those who excel in any branch such honorary testimonials of approbation as it may deem proper. Code, § 1548.

See pp. 65-6, 102, 116-7, 149-50, 160, 166-7, 184, 187, 196.

The General Alumni Association (successor of the Society of Alumni) of the University of Virginia is a corporation with the franchises, powers and rights specified in its charter as amended December, 1907; which include the right to define its qualifications for membership and to admit members; to define and determine the status of local alumni associations as constituent parts of the general association, fix their representation and voting power in its meetings and proceedings, and to appoint an executive committee to manage its affairs, subject to such regulations as it may prescribe. Act 1910. p. 389.

Virginia Military Institute

Administration—

The Virginia Military Institute is governed by a board of visitors composed of the adjutant general, the superintendent of public instruction and nine other persons, together forming a corporation under the name and style of "The Virginia Military Institute," subject at all times to control by the General Assembly. The visitors are appointed by the governor, subject to confirmation by the Senate, to serve for terms of four years; three always to be selected from the grand division of the State in which the institute is located, and two from each of the other grand divisions. Vacancies for unexpired terms are filled by the governor, subject to ratification or rejection by the Senate at its next session. New appointments must be made six months before the expiration of the respective terms. Code, §§ 1563, 1564.

Organization, Powers, and Duties of Board of Visitors—

At least one meeting a year must be held at the institute, and the board may be called together at such other times and places as in the judgment of the superintendent of the institute or the president of the board may be necessary, notice thereof to be given every member. Code, § 1565.

At the first meeting after the 1st of January in each year, it is the duty of the board to appoint a president from its own number, and a secretary, and annually to appoint a treasurer and require from him a sufficient bond of not less than \$15,000.00, conditioned upon the discharge of his duties of office. The treasurer is required annually on or before the 1st of October to make a detailed report of his accounts to the Board of Education, to be by it reported to the General Assembly. (See Code, § 1637, and p. 187, ante.) It is the duty of the State Board of Education to cause a careful examination of his accounts and a full settlement thereof to be made once a year. Vacancies in these offices are filled by the board, and in the temporary absence of the president or secretary the board has power to appoint substitutes *pro tempore*.

The board of visitors has further powers and duties as follows:

To sue and be sued for any cause or matters which have heretofore arisen as well as for any which may hereafter arise.

To appoint professors to give instruction in military science, and in such other branches of knowledge as it may deem wise, fix their salaries, and, upon a concurrence of a majority of the whole board, remove them for good cause, communicating to the governor a full statement of the reasons upon which the removal was made. It may likewise appoint such other agents and employees as it may deem proper. Code, § 1572.

To make by-laws and regulations for its own government and the management of the affairs of the institute. For the purpose of transacting such business as in its opinion can properly be transacted by a less number than a majority, it may authorize not less than four members to constitute a quorum. Code, § 1566.

Section 1564 provides for a board of eleven members, and that "five members of said board shall constitute a quorum for business."

To cause the arsenal and all its grounds and buildings (which are considered as belonging to the institute) and all arms and other property therein, or belonging thereto, to be guarded and preserved, and to annually inspect the public arms and other property at the arsenal and make report of their condition and of the condition of the school, to the governor, to be by him laid before the General Assembly. Code, §§ 1567, 1583. See § 1637; p. 187, post.

To prescribe the terms upon which pay cadets may be admitted to the institute, their number, the course of their instruction, the nature of their service, and the duration thereof, and admit the State cadets provided for in § 1575, as stated on pp. 66-7, ante. Code, §§ 1574, 1575.

After examination upon such of the branches of the arts and sciences and of literature taught at the institute as the board may deem requisite, the governor, and the board of visitors and faculty of the institute may confer the degree of graduate upon any cadet found qualified to receive it. Code, § 1581.

The superintendent may enlist musicians for service at that post, to be provided for out of the annual appropriation. Code, § 1584.

The Virginia Agricultural and Mechanical College and Polytechnic Institute

Administration—

The V. P. I. is governed by a board of visitors composed of the superintendent of public instruction, the president of the board of agriculture, and eight other persons, selected from amongst farmers, mechanics and graduates of the college, and, if practicable, two from each of the four grand divisions of the State, together forming a corporation under the name and style of the "Board of Visitors of the Virginia Agricultural and Mechanical College and Polytechnic Institute," at all times under control of the General Assembly. The visitors are appointed by the governor, subject to confirmation by the Senate, to serve for terms of four years. New appointments must be made six months before the expiration of the respective terms. Vacancies for unexpired terms are filled by the governor, subject to ratification by the Senate at its next session. Should any visitor fail to perform the duties of his office for one year without sufficient cause shown to the board, his place must be declared vacant, and filled by the governor as other vacancies are filled. Code, §§ 1591, 1592, 1594.

Organization, Powers, and Duties of the Board of Visitors—

It is the duty of the board to appoint from its own number a rector, who must preside at its meetings, and a clerk. In the absence of the rector, it appoints a presiding officer pro tempore. A majority of the board constitutes a quorum. Code, § 1593.

It is required to meet at least once a year at Blacksburg, and at such other times and places as it may determine. Special

meetings may be called by the governor, the rector, or any three members of the board. Notice of the time and place of meeting must be given to every member. Code, § 1595.

The board has the further powers and duties:

To appoint a president of the institution, and such professors and other agents or servants as it may deem proper, prescribe their duties, and, with the assent of two-thirds of the members of the board, remove any of them from office. Code, § 1596.

To require the treasurer, or other officer in whose hands the funds of the college may be placed, to give bond in double the amount of the annual income of the college, payable to the Commonwealth, with condition for the faithful discharge of the duties of his office. Code, § 1600. See p. 170.

To care for and preserve all property belonging to the institution. Code, § 1596.

To prescribe the course and mode of instruction and regulate the government and discipline of the students and generally in respect to the government and management of the institution make such rules and regulations as it may deem expedient, not contrary to law. Code, § 1596.

Demonstration Work—

The demonstration work of the State, and in its counties, is under the control of the V. P. I., conducted as far as possible in connection with the United States Department of Agriculture, and, so far as concerns the boys' demonstration work and the girls' canning clubs, in coöperation with the State Board of Education.

The governor is authorized at his discretion to call together for conference the president of the V. P. I., the State commissioner of agriculture, the president of the State Board of Agriculture, the State superintendent of public instruction, the director of the Experiment Station at the V. P. I., and the State agent in charge of farm demonstration work, and may request the attendance of such officers of the United States Department of Agriculture as are particularly interested in the agriculture of the State of Virginia, to consider how their various activities may be coördinated so as to avoid duplication, and how each may assist the other in field work so as to accomplish the best possible results. Each of the organizations represented is authorized to enter into proper relation-

ships with other agricultural activities in the State in a united coöperative effort for the betterment of agricultural conditions in Virginia.

It is the duty of the V. P. I., in exercising its powers over the demonstration work of the State, to take great care to select demonstration or county agents qualified to do the work, and to see that it is properly done in coöperation with, and in relation to, the United States Department of Agriculture. Acts 1914, p. 710, Biennial 1914, p. 497.

Virginia Experiment Station at V. P. I.

The appropriations for the work of the Virginia Experiment Station are expended under the general direction of the executive committee of the V. P. I. board of visitors, which is required to use the funds for the purpose of paying the necessary expenses of conducting investigations and experiments, and printing and distributing the results. Acts 1906, p. 386, Supplement 1910, p. 683. See also Acts 1908, p. 35, Supplement 1910, p. 723.

It is also the duty of the board of control of the V. P. I. to protect the domestic animals of the State from all contagious diseases, within the State and elsewhere, and it is authorized and empowered to establish, maintain, and enforce such quarantine laws, rules and regulations as it may deem proper. Code, § 1599a.

The College of William and Mary in Virginia

Administration—

By Act of March 7, 1906, the College of William and Mary transferred to the ownership and control of the State, for educational purposes, all its real estate and personal property, and the institution is now governed by a board of visitors composed of the superintendent of public instruction and ten members appointed from the State at large, by the governor, by and with the consent and advice of the Senate, who together form a corporation under the style of "the College of William and Mary in Virginia," vested with all the rights and powers conferred by the said act (see p. 70), and by the ancient royal charter of the college in so far as the same are not inconsistent with the provisions of said act and the general laws of the State. The visitors are appointed for terms of four years. Any vacancy caused by death, resignation, or otherwise, is filled by the governor, by and with the consent of the Senate.

Organization, Powers, and Duties of the Board of Visitors—

The board has the following powers and duties:

To appoint a president and all professors, teachers and agents, and fix their salaries; to control and expend the college funds and any appropriations provided for it; to care for and preserve its property; to make all needful rules and regulations concerning the college, and generally direct its affairs.

To confer degrees, and prescribe rules for the examination and admission of pupils applying for normal instruction, requiring each pupil taking the normal course, and receiving free of charge for tuition the privilege of the collegiate course, to give satisfactory assurance of his intention and willingness to teach in the public schools of the State for at least two years after leaving the college. Acts 1906, p. 94, Supplement 1910, p. 573.

The Medical College of Virginia**Administration—**

The Medical College of Virginia was incorporated in 1854, with a board of nineteen visitors named in the charter. The power is reserved to the General Assembly to modify, alter, or repeal the charter, and the governor is empowered to fill any vacancy that may occur in the board by reason of death, resignation, or otherwise.

In the case of *Lewis, et al., v. Whittle*, 77 Va. 415, it was held that this college is a public corporation and the visitorial authority is in the State; that the power of removing and appointing visitors is reserved in the charter to the legislature and has not been granted to the governor. The governor can only fill vacancies which occur.

The college is governed by this board of nineteen visitors, forming a corporation under the name and style of "The Medical College of Virginia." Code, § 1651.

The State Normal School for Women at Farmville

The State Normal School for Women at Harrisonburg

The State Normal School for Women at Fredericksburg

The State Normal School for Women at Radford

Administration—

The four State Normal Schools for Women are all governed by one board of visitors, created by Act of 1914 (p. 567, Biennial 1914, p. 461), composed of twelve members, ap-

pointed by the governor, subject to confirmation by the Senate; one from each congressional district and two from the State at large, together with the superintendent of public instruction, *ex officio*, forming a corporation known as the "Virginia Normal School Board." The visitors are appointed to serve for terms of four years, except that at the first appointment one-half of the members were appointed for two years and the other half for four years. Vacancies for unexpired terms are filled by the governor, subject to confirmation by the Senate.

The governor, in his discretion, has all the rights and privileges of a member of this board, which succeeded to all the property, rights, duties, contracts and agreements theretofore vested in the boards of trustees of the State Female Normal School (now the State Normal School for Women) at Farmville, and the State Normal and Industrial Schools for Women (now the State Normal Schools for Women) at Harrisonburg, Fredericksburg, and Radford.

The said board is given full authority by said act to manage and control all four of the said institutions. Six members constitute a quorum. It is its duty, and it has the power:

To appoint, within the limits of available funds, such officers, teachers, and employees as it may deem necessary, and remove any of them at any time for cause.

To safeguard their funds, distributing all appropriations by the State in a careful and economical manner, and prepare all budgets to be presented to the General Assembly and make recommendations for maintenance and enlargement, as the needs of the schools demand.

To fix the necessary entrance requirements and courses of study, preventing unnecessary duplication of work in the four schools, and providing for the correlation of their work with each other and with the primary, grammar and high schools of the State and grant certificates of graduation.

To appoint such committees of its members and employees as in its judgment may be necessary for the proper government of the schools, separately or collectively; and in its discretion it may constitute the presidents of the respective schools an executive council or committee on courses of study, entrance requirements and proper correlation of the work of said schools with each other and with the public school system of the State, and it is the duty of the said president upon request of the board to meet and confer with it in an advisory capacity. They may

serve on any committees of the board, but may not vote in its meetings.

For powers and duties of the boards of visitors to which the Virginia Normal School Board succeeded, see Code, §§ 1609-1612, inclusive, Acts 1908, p. 427, and Acts 1910, p. 176.

The Virginia Normal and Industrial Institute

Administration—

The Virginia Normal and Industrial Institute is governed by a board of visitors composed of the superintendent of public instruction and four qualified persons, together forming a corporation under the name and style of the "Virginia Normal and Industrial Institute," under the supervision and control of the State Board of Education, and no action of the said board of visitors is valid until approved by the Board of Education. The visitors are appointed by the governor by and with the consent of the Senate, to serve for terms of four years. During the recess of the General Assembly, the Board of Education has power, subject to approval by the Senate at its next session, and after reasonable notice, to remove any member of the board of visitors for good cause, the grounds of removal to be entered upon the records of the board.

The institute and all its property and funds are at all times and in all things under the control of the General Assembly. Code, §§ 1613, 1616, 1635, 1636.

Organization, Powers, and Duties of Board of Visitors—

At least one meeting a year must be held at the institute, and other meetings at such other times and places as the board may determine, and special meetings on call of the rector of the board or of the governor of the State. A majority constitutes a quorum. It must appoint a rector from its own body to preside over the meetings; a secretary to record, attest, and preserve its proceedings, who may receive a nominal salary for his services to be fixed by the board; a treasurer, and prescribe his duties and fix the amount of his bond at not less than \$15,000.00, conditioned for the proper accounting and paying over all moneys and other things committed to his custody (see p. 170. Code, § 1613(4)); and an executive committee for the performance of such duties as the board may prescribe.

The said board of visitors has powers and duties as follows:

To appoint a president of the institute, and all professors, teachers and necessary agents and employees, prescribe their

duties, fix their salaries or compensation, including the secretary and treasurer of the board, and, a majority of the board concurring, remove any of them from office or position.

To prescribe the terms upon which students, other than State students, may be admitted, specifying especially the charges for tuition and board.

To establish rules and regulations for the discipline of all students admitted to the institute.

To prescribe the course of study in the several departments, fix the length of the scholastic term, and the number of terms to be occupied by the course of study in each department.

To examine into the conduct and management of the school, the fidelity and efficiency of the officers and employees, the methods of instruction employed, the progress of the students, and grant such honorary testimonials as may be deemed expedient.

To disburse the funds belonging to the institute, and inspect annually, and as much oftener as is deemed necessary, all buildings, lands, and other property thereof, provide for its due care and preservation, and have made and kept on file an inventory of all such property, real and personal, showing its value and condition, and in general to direct and do all things not inconsistent with the laws of the State which in its judgment may be best adapted to accomplish the legitimate objects of the institution, making such by-laws, rules, regulations, orders, and instructions to this end as it may deem proper.

To make the annual report required of State institutions of learning. See pp. 73, 101-2, 124, 150-1, 160, 185, 187, 196, and Code, § 1637.

Code, § 1613.

Hampton Normal and Agricultural Institute

Administration—

The funds appropriated to this institution, as set forth in § 1586 of the Code, and on pp. 119, 124-5, are administered by a board of six citizens of Virginia, appointed by the governor, as curators of said funds, three of whom must be of African descent. Code, § 1602.

It is the duty of the said curators to appoint a treasurer, and allow him reasonable compensation, and require him to enter into bond in a penalty at least double the amount of the annual income which may arise from the proceeds of the land scrip apportioned to said institute, conditioned for the faithful

discharge of the duties of his office. Code, § 1604. See also pp. 73, 101-2, and Code, §§ 1605, 1606.

Reports

Monthly Reports—

The managing boards of colleges and universities are required to report monthly to the auditor of public accounts, in detail, the manner in which all funds received from the Commonwealth are disbursed. Any officer or employee who interferes in any manner with carrying out this provision shall be deemed guilty of malfeasance and upon conviction shall be removed. Acts 1908, p. 381, Supplement 1910, p. 795.

Annual Reports—

It is the duty of the president or chairman of the board of visitors, or trustees, of every State institution educational in its character to cause to be made out by its proper officer and forwarded to the office of the superintendent of public instruction, on or before the first day of October in each year, in time to be embodied in his report to the Board of Education, to be by that body laid before the General Assembly, a report for the year ending the 30th of June preceding, giving in detail all facts in connection with the faculty, students, courses, and methods of instruction, financial affairs, and all other facts concerning its administration, condition and progress.

All other acts, or parts of acts, requiring reports of such institutions to be otherwise made, are by this act repealed. Code, § 1637.

See the following sections of the Code making somewhat different provisions for annual reports of State institutions educational in character: 1550, U. Va.; 1571, 1583, V. M. I.; 1606, V. P. I. and Hampton; 1613(5-h), Va. N. & I. I.; 1657, 221, Va. School for Deaf and Blind; Acts 1906, p. 94, College of W. & M.; Acts 1906, p. 248, Va. State School for Colored Deaf and Blind Children; Acts 1914, p. 567, Va. Normal School Board; Acts 1908, p. 430, State Students Loan Fund.

Section 221 of the Code requires the officers of the executive department at the seat of government and superintendents and boards of State institutions to make reports to the governor in writing, under oath, in such form and with such particulars, and upon such subjects relating to their respective offices and institutions, as he may require, at such times as may be prescribed by law or demanded by the governor.

CHAPTER V

STATE SCHOOLS FOR THE DEFECTIVE, DEFICIENT,
AND DELINQUENT. LAWS FOR THE PROTECTION OF
DESTITUTE OR ORPHANED CHILDREN

STATE SCHOOLS FOR DEFECTIVE CHILDREN

The Virginia School for the Deaf and the Blind,
Located at Staunton

This institution includes one school for the education of deaf mutes and another school for the education of the blind, which must be kept separate and distinct.

To the extent of the means of the institution the pupils are selected, in such manner as the board of visitors may prescribe, from among such persons in the State as are unable to pay for maintenance and support, and also from among other persons, residents of the State, on such terms for their maintenance and support as may be agreed upon. There may be no charge made for the education of pupils. Code, § 1658.

Administration—

The institution is governed by a board of visitors, composed of the superintendent of public instruction, *ex officio*, and six other persons, appointed by the governor, by and with the consent of the Senate, together forming a corporation under the name of the "Virginia School for the Deaf and the Blind." The visitors are appointed for a term of four years. Vacancies occasioned otherwise than by expiration of term of office are filled by the governor for the unexpired term, subject to ratification or rejection by the Senate, at the next session of the General Assembly. Code, §§ 1652, 1653.

Organization, Powers, and Duties of the Board of Visitors—

The board of visitors organizes by the appointment of one of its number as president of the board, and the election of a secretary whose duty it is to keep an accurate record of the proceedings of the board, and of its executive committee, should

one be created. One annual meeting must be held, in June, and intermediate ones at such times and places as the board may determine. A special meeting may be called at any time by the president or any three members, upon due notice of the time and place given to all members. The fiscal year ends September 30th, and reports are required to be made under the general provisions for State institutions educational in character (Code, § 1637, p. 187, ante) and also under Code, § 221. Code, §§ 1654, 1656, 1657.

The board has the following powers and duties, specifically fixed by law:

To erect, preserve and repair the buildings of the institution, and care for its property.

To elect a superintendent, professors and all other officers, at the annual meeting in June in every other year; selecting them with reference to fitness, sobriety, and literary and business qualifications.

To provide rules and regulations for governing the institution, setting forth the duties of its officers and employees, and cause them to be posted in various places about the buildings and premises.

To remove at any time any officer or employee elected or appointed by it; entering upon the records of the board the order of removal and the cause therefor.

Code, §§ 1655, 1656a.

The Virginia State School for Colored Deaf and Blind Children, Located at Newport News

In this institution there are two separate and distinct departments, one for the deaf and dumb children, and one for the blind children, of the colored race, who cannot be educated in the ordinary public schools of the State, and whose parents or guardians are residents of Virginia. There is no charge for the education of colored children so afflicted whose parents or guardians are residents of the State.

Administration—

The institution is governed by a board of five visitors, appointed by the governor to serve for a term of four years, together forming a corporation under the style and title of "The

Board of Visitors of Virginia State School for Colored Deaf and Blind Children," subject at all times and in all things to control of the General Assembly.

Organization—Powers—Duties of the Board of Visitors—

As such corporation the said board is given the right to use a common seal, to plead and be impleaded, in all courts of justice, and in all cases in which the interests of the school are involved.

The board of visitors organizes by the appointment of one of its members as president, and the appointment of a secretary, not a member of the board, whose duty it is to keep an accurate record of its proceedings. The board also appoints an executive committee, composed of three of its members, to meet every sixty days; the secretary of the board acting also as secretary for this committee.

The board is required to hold one annual meeting and such intermediate ones as may be necessary. A majority of the "board of the executive committee" constitutes a quorum. The fiscal year ends the 30th of September, and annually on the 1st of October the board is required to deliver to the second auditor its report to the General Assembly, showing the condition of the school and its receipts and disbursements for the fiscal year. (See Code, § 1637, p. 187, ante.)

The board has the following powers and duties specifically fixed by the Act of Assembly creating the institution:

To erect, preserve, and repair the buildings of the institution, and care for its property.

To elect a superintendent, choosing him with due regard to his knowledge of the methods and systems for educating the deaf and dumb and the blind, and on account of his sobriety and general fitness for the position. He is required to give such information as the board of visitors may need, and to be consulted and advised with in all things pertaining to the welfare of the school.

To elect such professors, officers, or agents as may be necessary or expedient for promoting the objects of the institution, paying due regard to the sobriety, knowledge and general fitness of each and every person so selected, and to remove at any time, for cause, any officer or employee elected or appointed by it, recording the cause of removal and a copy of the order. Acts 1906, p. 248, Supplement 1910, p. 656.

SCHOOLS FOR DEFICIENT CHILDREN

The State has made no special provision for the education of deficient children, except so far as local school authorities, encouraged by the State Board of Education, have added special schools for them as a part of the regular public free school system. An appropriation was, however, made in 1914, for a building, containing a schoolroom, at the Virginia Epileptic Colony, near Lynchburg, where the State institution for the feeble-minded is also located. See Acts 1914, p. 335—appropriating the public revenue.

Note.—A school is conducted in the said school room, and a teacher paid, at the expense of the funds appropriated to said institutions for general support.

SCHOOLS FOR DELINQUENT CHILDREN

The Virginia Home and Industrial School for Girls, Located in Chesterfield County

This institution has for its object the custody, care and training of vicious and incorrigible white girls between eight and eighteen years of age, in the effort to prevent their commitment to the jails and prisons of the Commonwealth.

It was incorporated first under private control, but received State aid from the beginning, and for the years 1912-13 and 1913-14, State aid was given to a public free school on the grounds. See p. 113.

At the 1914 session of the General Assembly, the authorities of the institution offered to convey to the State all of its property, consisting of a tract of 206 acres of land in Chesterfield County, with the buildings and furnishings and equipment thereon, upon the following conditions:

- (1) That the operation of the home be continued in accordance with its chartered purposes—set forth above.
- (2) That the State assume, within a limit of \$1,500.00, all indebtedness of the institution as of the 1st of March, 1914, in excess of the \$24,000.00 previously appropriated.

By Act of March 12, 1914, it was provided that—the maintenance of such a home being recognized as a necessity—the institution be taken over upon the conditions stipulated, and operated and maintained, either separately, as a State institution at the same location, or elsewhere, or in connection with

some other State institution, and governed by a board of not less than five visitors, appointed by the governor, subject to confirmation by the Senate, for a term conforming to the term of trustees of the State hospitals (six years).

This board has authority to make sale of the property in Chesterfield County, and locate the institution elsewhere, if, in the judgment of the governor and the board, such a course is advisable; or, if in their judgment advisable, to locate it on the property of some other State institution, in which case it is thereafter to be governed by the board and officers of such institution. Acts 1914, p. 276. Biennial 1914, p. 424; pp. 113, 127-8.

The Industrial Home School for Wayward Colored Girls, Located in Hanover County

This institution has received State aid upon condition that any court, judge or justice in the State might have admitted to its custody and control wayward, incorrigible or vicious colored girls, between twelve and eighteen years of age; the State allowing to the home fifty cents for the first entry of each girl, and 30 cents per day for her maintenance thereafter, within the limits of the total appropriations made by the State as shown on p. 128. See Act Appropriating the Public Revenue, Acts 1912, pp. 237-273.

Public Free School at Laurel Reformatory, Located at Laurel, Henrico County

Act of 1908, p. 688, provides for the erection and equipment of a public free school on the grounds of the Prison Association at Laurel, Henrico County, for the exclusive benefit and use of the boys and youths confined there.

The pupils are required by law to attend school at least three hours a day, except Saturdays and Sundays, and the Prison Association may permit them to attend for a greater period. The school is under the control of the State Board of Education, except that the discipline of the pupils is maintained by the Prison Association, but with the above exception nothing in said act is to be construed as taking away from that association any authority or control over the boys and youths at the reformatory.

See Code, § 4173d; Acts 1908, p. 688. This act does not appear in Supplement 1910. See pp. 112-6.

Public Free School at the Negro Reformatory Association, in Hanover County

Act of 1910, p. 327, provides for the establishment of a public school on the grounds of the Negro Reformatory Association, in Hanover County, for the exclusive benefit of the boys and youths confined in the institution at that place known as the "Negro Reformatory Association of Virginia," upon the same conditions, both as to control and discipline, stated above for the Laurel Reformatory. Code, § 4173e; Supplement 1910, p. 910.

LAWS FOR THE PROTECTION OF DESTITUTE OR ORPHAN CHILDREN

How a Minor Child May be Placed in an Asylum or School

Any minor may be placed by his guardian, or, if none, by his father, or, if he has neither father nor guardian, by his mother, for such time as may be agreed in writing, in any incorporated association, asylum, or school instituted for the support and education of destitute children, which institution thereupon becomes entitled to the custody of him for the stipulated period, and may bind him an apprentice until its expiration. Code, § 2582.

What a Master Must Teach an Apprentice

The writing by which any minor is bound an apprentice must specify his age, and what art, trade or business he is to be taught; and, whether it is expressly provided therein or not, the master is bound to teach him reading, writing, and common arithmetic and the rule of three. Code, § 2585.

Duty of Guardian to Provide for Education of Ward

Every duly appointed guardian is required to provide for the education of his ward from the proceeds of such estate belonging to his charge as comes into his possession or under his care and management. Code, § 2603.

The Miller Manual Labor School of Albemarle

This institution is governed by a corporation composed of the members of the State Board of Education, and their succes-

sors, and the second auditor, and his successor, under the name of "The Miller Manual Labor School of Albemarle," but its benefits are confined to residents of Albemarle County, under the 25th clause of the will of Samuel Miller, providing for the establishment of "a school in the county of Albemarle for the education of as many poor orphan children and other white children, residents of the county, as the profits and income of the fund so devised will admit of or compass." Code, §§ 1649, 1650, 1650a; Acts 1876-1877.

CHAPTER VI

LIBRARIES

The State Library at Richmond

Section 247 of the Code provides for the maintenance at the State capital of a State library, consisting of books, papers, records, portraits, and other works relating to the history of the State, science, literature, law, and general history, conducted as a library of reference.

Administration—

The State library is governed by a board of five directors, forming a corporation under the style of "The Library Board." They are appointed by the State Board of Education, one each year, to serve for a term of five years, under such rules and regulations as the law may prescribe. Appointments to fill vacancies in the board must be for the unexpired term. Code, § 254.

The Supreme Court of Appeals has the control and management of the law library, which is kept separate from the State library. Code, § 254. See also §§ 261-264, inc.

Organization, Powers, and Duties of the Library Board—

The library board has been given the following statutory powers and duties (Code, § 254):

To meet and organize by the election of one of its number as chairman, and to make such rules and regulations as are not inconsistent with law, for the management of the affairs of the library, and its use by the people.

To superintend and direct all expenditures of the library funds, and preserve as public records statements of all receipts and disbursements. See pp. 185-7, post, for sources of revenue and regulations governing disbursement of library funds.

To appoint a librarian and a doorkeeper. The board may also appoint an assistant librarian, a stenographer, and such other employees as may be authorized by law, and in addition such expert cataloguers as may be necessary to properly classify

and catalogue the contents of the library. The terms of office of the librarian and all other employees are at the pleasure of the board.

The librarian has charge of the library, and is required to give his attention and attendance to it, carrying out and enforcing the rules made therefor by the General Assembly and the library board. As secretary of the board, it is his duty to keep in neat and accurate manner the required records of all its proceedings, the itemized accounts of its receipts and disbursements the law demands, and an itemized memorandum of all purchases, or contracts for purchases, made, and of all books and documents given or received, as gifts, or in exchange. Code, § 257.

The doorkeeper assists the librarian in the discharge of his duties, and performs such other duties as may be required of him by the board. Code, § 259.

Additions to the Library—

By deposit of State records of historical value.—Such records of the several departments of the State government as are considered of historical value must, with the consent of the head of the department concerned, be deposited and preserved in the State library. But all such records now or hereafter deposited are deemed to be in the custody of the officer from whose possession they were transferred, who must be given free access to them, and who alone has authority to remove them from the library. Code, § 255.

Five copies of the Acts of Assembly must be delivered to the State library by the superintendent of public printing as soon as practicable after the end of each session of the legislature. Code, § 279.

By deposit of publications of municipalities and State institutions.—The mayor of each city and town in the State is required to send regularly, at the time of publication, to the State library, two copies of each official publication; and, where the supply is not exhausted, two copies of those of former years; including printed reports in pamphlet and book form, ordinances and other publications. And each institution of learning and eleemosynary institution receiving any appropriation from the State is required to furnish the State library with two copies of all its publications. One set must be retained as a permanent deposit at the library and not issued for circulation outside. Acts 1912, p. 639, Biennial 1912, p. 360.

By purchase.—It is the duty of the library board annually to procure such books in literature, science and the arts, and such maps and charts as may seem to it desirable, and especially to cause to be procured from time to time, as opportunity may offer, a copy of any book, pamphlet, manuscript, work of art, or relic, relating to the history of Virginia, not now in the library, which can be obtained on reasonable terms. Code, §§ 254, 255.

By exchange.—It is the duty of the library board to arrange for the exchange of the Virginia publications with as many of the States and institutions as possible; with the general government, and with other governments, with societies and others, as it sees fit, placing all exchanges received in the State library, except that all statutes and law books received must be transferred to the law library.

It may also arrange for the exchange of any or all duplicate material now or hereafter the property of the State library; provided such exchanges result in the acquirement of publications or manuscript material necessary to the improvement of the institution. Code, §§ 249, 254.

By loans.—It may arrange for loans with the library of Congress, and other libraries which grant a like privilege to the Virginia State library. Code, § 249.

By gift.—The said library board is likewise empowered to acquire such books, maps, portraits, relics, records, etc. by gift, as well as by purchase, exchange, and loan. Code, § 254.

By publication.—It is the duty of the library board, and it has the power, to cause the records pertaining to the Revolutionary War, the War of 1812, the Mexican War and the Civil War to be edited, arranged and published so as to show the service of citizens of the States in those wars, and to cause to be printed any manuscript relating to the history of Virginia which has not been published, including such portions of the executive journals and letter books, and of the legislative papers, as it may deem proper to print in the calendar of State papers, causing the legislative papers which are to be printed to be arranged for that purpose and preserved for reference. Code, § 256.

Donations made by the State Library—

The library board may send to any university, college or public library, or societies, copies of State publications. Code, § 249.

When State Library is Open—

The library is required to be kept open from nine in the morning until five in the afternoon every day in the year, except Sunday and such other days as the board, in its discretion, may name for it to be closed. Code, § 258.

By Whom State Library May be Used—

The State library may be used, under such rules and regulations as the board may prescribe, by the judges of the Supreme Court of Appeals, the governor, lieutenant governor, reporter of the Court of Appeals, members of the General Assembly during the sessions thereof, and other State officers at the capital, and such other persons as the library board may deem fit; but no manuscript or record of any kind, and no book, portrait, or relic of rare or historic value may be taken away from the library room by any one, and no book may be kept out for more than two weeks. Code, § 260.

Injury or Destruction of Library Property—How Punished—

The penalty for wilfully, maliciously or wantonly injuring or destroying any property belonging to the State library is a fine of not less than \$5.00 nor more than \$500.00 (one-half to the informer upon conviction of the offender), or by imprisonment in jail not exceeding six months.

Any person wilfully and without authority removing books is guilty of larceny and subject to a fine of not more than \$500.00, or imprisonment not exceeding twelve months.

Failure to return a book or other property of the library within two weeks after receiving written notice from the librarian is a misdemeanor, punishable as such according to law. If, however, such book has been lost or destroyed, its value, as determined by the library board, may be paid within thirty days. Code, § 260a.

Traveling Libraries—

The State library board has power to establish and equip "traveling libraries," to be supplied with books bought for the purpose or donated to the board, which may be loaned for a limited time to any free library in the State, or to any community in any county of the State upon request in writing by ten taxpayers therein, guaranteeing the proper care and safe return to the State library of any book so loaned. The books purchased for traveling libraries may also be loaned to any

public school in Virginia under such rules as may be prescribed by the library board.

This State system of traveling libraries is under the direct supervision and control of the directors of the State library, but in the selection of books for the libraries loaned to public free schools the list adopted must be approved jointly by the library board and the State Board of Education. Code, § 254; Acts 1906, pp. 209, 211.

Public Free School Libraries

Whenever the patrons or friends of any public free school raise by private subscription the sum of \$15.00 and tender it to the clerk of the school board for the establishment of a library connected with said school, the district school board is required by law to provide an equal amount; except that no district board may be obliged to appropriate money for more than five such libraries in any one year.

The books for each library must be selected from lists approved by the State Board of Education by "one competent person well versed in books," appointed by the district school board. The list so prepared for the local library must show the price of each book selected.

As soon as the appropriation has been made and the list of books prepared, as above stated, it becomes the duty of the clerk of the district school board to forward to the division superintendent an order for the books, with a warrant for not less than forty dollars, payable to the book contractor or dealer designated by the State Board of Education. Thereupon, the division superintendent is required to forward the order and the warrant, with an application for State aid, to the Department of Public Instruction. Upon receipt whereof, the State Board of Education must remit to the treasurer for the district in which the school applying for aid is situated, the sum of \$10.00 as the State's contribution to the library, and send forward the order for books, accompanied by the warrant, to be filled by the proper book dealer.

It is the duty of the district school board to appoint an "intelligent person" as manager for each library established, and upon application of the manager to furnish a neat book-case, with lock and key.

Local managers must carry out such rules and regulations for the proper use and preservation of the books as the State

Board of Education may prescribe, and, under rules and regulations so prescribed, may be permitted to exchange libraries.

Acts 1914, p. 138, Biennial 1914, p. 326.

Public Free Libraries and Reading Rooms in Cities and Incorporated Towns

The council of every city or incorporated town has power to establish and maintain a public library or reading-room, to be governed by a board of nine directors, appointed by the mayor, with the approval of the council, and chosen from the citizens at large, with reference to their fitness for such office. Not more than one member of the council may at any one time be a member of such board, and he must be the chairman of the council's committee on finance. The city superintendent of public schools must also be a member of the board. The terms of office of the first directors chosen must be as follows: one-third to serve for one year, one-third for two years, and one-third for three years, from the date of their appointment, and at their first regular meeting they must cast lots for their respective terms. Annually thereafter the mayor must appoint, with the approval of the council, three directors to take the place of those retiring, to serve for three years and until their successors are appointed. The mayor, by and with the consent of the council, may remove any director for misconduct or neglect of duty. Vacancies are filled in the same manner as original appointments are made.

The board of directors so constituted is legally known and designated as the "board of directors of the public library (or free reading-room) of the city (or town) of.....," and has, among other rights and powers, the power to purchase or lease ground, to occupy, lease or erect an appropriate building, or buildings, for the use of such library or reading-room, and to take property, real or personal, by gift, grant, or devise. Code, § 1043a.

CHAPTER VII

MISCELLANEOUS PROVISIONS OF THE LAW CONCERNING EDUCATION, AND EDUCATIONAL INSTITUTIONS AND AGENCIES—STATE, LOCAL, AND PRIVATE

The Incorporation of Educational Institutions

Any number of persons, not less than three, may, under the provisions and subject to the requirements of § 1105d of the Code, associate to incorporate a college, an alumni association, a literary society, or any organization of a like or similar character in which no capital stock is required to be issued. As soon as the charter applied for has been granted, they and their successors, and such other persons as may be associated with them, according to the provisions of the law, or of their charter, become a body politic and corporate, with all the powers of like corporations; among others, the right and power to take and hold, by gift, purchase, grant, devise or bequest, any property—real, personal, or mixed—and dispose of the same at pleasure; except that no such corporation in its corporate capacity may hold real estate the yearly income derived from which exceeds \$50,000.00.

Whenever the principal objects and purposes for which such a corporation was formed fail, or its management is abandoned by its trustees, directors or managers, it is lawful for the court having jurisdiction to wind up its affairs and dissolve it, making such disposition of its assets as may be just and equitable; and if there be any surplus to which neither creditor, member, or any other person is equitably entitled, it is the duty of the court to direct the payment of such surplus into the literary fund. Code, §§ 1105d, 1105e.

Playgrounds in Cities and Towns

By Act approved March 16, 1910, the General Assembly provides that every city or town with a population of 10,000 or more, *accepting the provisions of the said act*, shall provide and maintain at least one public playground conveniently lo-

cated and of suitable size and equipment for each race, white and colored, for the recreation and physical education of the minors of such city or town, and at least one other playground for each race, white and colored, for every additional twenty thousand of its population.

The said act further provides for the appointment of a board of playground commissioners, their terms of office, and powers and duties; for the purchase, lease or condemnation of suitable lands for public playgrounds and recreation places, and for the equipment, conduct and maintenance thereof. Acts 1910, p. 377, Supplement 1910, p. 930.

Promotion of Medical Science

The professors of anatomy and of surgery, and the demonstrators of anatomy, of the University of Virginia and of the several colleges and schools of this State authorized by law to teach medical science, constitute a board having the power and duty of making disposition and delivery of dead human bodies to said institutions, for the promotion of medical science. Code, §§ 1776, 1778, Ch. 80.

Small Arms Furnished to Institutions of Learning

Upon application of the faculty, approved by the board of visitors or trustees of any incorporated institution of learning in the State in which military tactics are taught, the governor may furnish any small arms which can conveniently be spared, for use by the pupils of such institution, under regulations prescribed by the board and approved by the governor. (1874-5.) Code, § 380.

State Publications Furnished Institutions of Learning

Eight copies of each volume of the published records of the decisions of the Supreme Court of Appeals must be furnished to each university and college in the State in which a law school is established. Code, § 246.

It is the duty of the secretary of the Commonwealth to furnish, out of any surplus copies on hand, one copy each of the journal of the Senate and House of Delegates, of the journal of the Constitutional Convention, of the Acts of Assembly and of the Code, to the University of Virginia and to every other incorporated college in the State in which a law school is es-

tablished, which has not heretofore been furnished, and to furnish a copy of the maps published by the State to every incorporated college and academy therein. Code, § 250.

The superintendent of public printing is required to provide copies of the Acts of Assembly, as soon as practicable after the end of each session of the General Assembly, as follows: one copy to the head of each State department and to each division superintendent of schools, five copies to the State library, and one copy to the University of Virginia, to the Virginia School for the Deaf and the Blind, to the Virginia Military Institute, and to each college in the State. Code, § 279.

The superintendent of public printing is required to supply to each of the State educational institutions, to other educational institutions in the State that maintain libraries, and to public libraries in the State, two copies each of the Acts of Assembly, Journals of the House of Delegates and Senate, and annual reports of the several departments of the government.

The secretary of the Commonwealth is authorized, so far as he can do so without conflicting with the provisions of §§ 279, 280, to furnish each of such institutions and libraries with complete sets of annual reports and journals.

Acts 1908, p. 625, Supplement 1910, p. 846.

Condemnation of Lands Belonging to Institutions of Learning

Code, § 944a(7), provides that no road or landing shall be established upon or through the lands of any seminary of learning without the consent of the owners thereof.

Code, § 1105f(24), provides that the lands of any university, incorporated college or other seminary of learning, not owned and conducted by the Commonwealth, are subject to condemnation for the purposes of electric railways and public highways; provided no part of such lands shall be condemned which is within 500 feet of any building erected and used for school purposes at the time the proceedings are instituted, nor land which surrounds the school buildings and is used at such time as a campus, park, or athletic ground or field in connection therewith.

See § 1105f(25) and p. 156, post, for rights of condemnation and exemption from condemnation proceedings of State institutions of learning.

Educational Institutions Exempt from Taxation

See pp. 141-4, post, for list of property, real and personal, exempt from taxation.

Sale of Real Estate

In all cases where an incorporated educational institution owns or holds more than one thousand acres of land in one tract, or in several adjoining or contiguous tracts, outside of a city or incorporated town, its board of directors or trustees may, by a majority vote of all the members, sell and convey all of such real estate in excess of 1,000 acres, notwithstanding any provision of charter or deed or will or other muniment of title under which it is held. The portion sold may embrace both land and buildings, as may be determined by the board. Acts 1908, p. 35, Supplement 1910, p. 723.

Students' Rights of Suffrage

No student may be regarded as having either gained or lost a residence as to the right of suffrage by reason of his location or sojourn in an institution of learning. Const., § 24.

Exemptions from Jury Service

While public seminaries are actually in session, all professors, tutors and pupils therein are exempt from jury service, except service on grand juries. Code, § 3140.

Protection

Conservators of the Peace—

The circuit court having jurisdiction, or its judge in vacation, may, upon the application of the duly constituted authority of any incorporated college, appoint some citizen of the Commonwealth as conservator of the peace with jurisdiction extending over the grounds attached to the university or college, within such limits as are prescribed in the order making the appointment. Code, § 3929.

A conservator of the peace so appointed has power to prescribe such police regulations, not inconsistent with the laws of the Commonwealth, as may be expedient for the preservation of the peace and good order of the university or college,

and it is his duty to keep his regulations posted at some public place within his jurisdiction. The violation of any regulation so prescribed and published is punishable as a misdemeanor, and the offender may be required to give bond to keep the peace. Code, § 3930.

Ordinances of Cities and Towns—

The city council of any city or town has power to adopt any reasonable ordinance to prevent any improper interference with, or annoyance of, the scholars attending, or boarding at, any female school situated therein. Code, § 1038b.

Penalties and Punishment for Injury to or Destruction of School or College Property—

A penalty not exceeding \$300.00, or confinement in jail not exceeding 60 days, or both, is imposed by § 3731 of the Code for willfully and maliciously injuring or defacing a school or college building, or destroying or carrying away furniture belonging to it.

For maliciously burning a school, academy or college building, or maliciously setting fire to anything causing such building to be burned, when the value of the building and contents amounts to as much as \$1,000.00, the penalty is confinement in the penitentiary for not more than ten nor less than three years; when of less value, not less than three nor more than five years. Code, § 3697.

Crediting Students or Gambling with Them Prohibited—

If any money be lent, or advanced, or anything be sold or let to, or for the use of, any student or pupil under twenty-one years of age, at any incorporated college in this State—or for playing billiards, pocket billiards, pool or bagatelle—on credit, without the previous permission in writing of his parent or guardian, or the authorized officers of such institution, nothing may be recovered therefor, and there shall, moreover, be forfeited to the institution twenty dollars and the amount or value of such money or other thing.

When such transaction is through an agent, the principal is liable, unless, within ten days after it comes to his knowledge, he gives notice in writing of the date, nature and amount thereof to the head of the institution; in which case the forfeiture is by the agent.

This section does not apply to a person selling or letting in expectation of immediate payment, if within ten days thereafter he gives notice in writing of the date, nature and amount of the transaction, to the head of the institution.

Code, § 2835.

Any person liable to forfeiture under the above section is, in addition, subject to a fine of not less than \$50.00 nor more than \$300.00, and upon conviction must be bound by the court to be of good behavior for one year in a sum of not less than \$500.00, with at least two sufficient sureties; any subsequent violation to be held a forfeiture of the recognizance. Code, § 2836.

Part III.

REVENUES AND PROPERTY

CHAPTER VIII

SOURCES OF STATE REVENUES FOR THE ESTABLISHMENT, SUPPORT AND MAINTENANCE OF THE PUBLIC FREE SCHOOLS, AND THE STATE REVENUES APPROPRIATED IN AID OF STATE INSTITUTIONS EDUCATIONAL IN CHARACTER

The funds applicable to the establishment, support and maintenance of the public free schools of Virginia consist of State Funds, County Funds, and District Funds. Code, § 1506.

STATE FUNDS

State school funds come from four sources; to-wit:

I. Annual Interest on the Literary Fund

The State constitution, § 134, provides that the General Assembly shall set apart, as a permanent and perpetual literary fund: the present literary fund of the State; the proceeds of all public lands donated by Congress for public free school purposes, of all escheated property, or all waste and unappropriated lands, and of all property accruing to the State by forfeiture; all fines collected for offenses committed against the State, and such other sums as the General Assembly may appropriate. Code, § 1505, provides for setting apart the funds mentioned, except fines "where it is otherwise expressly provided," and adds "donations made for the purpose." See also § 1475.

The literary fund is managed and invested by the State Board of Education, whose duty it is to keep the principal always unimpaired and entire.

The annual income is dedicated exclusively to the support and maintenance of the public free schools of the State of the primary and grammar grades, and is apportioned on the basis of the number of children in each district between the ages of seven and twenty years.

Const., § 135; Code, §§ 1432, 1433(11 & 12), 1505, 1506, 1475.

For the years 1910-1911 to 1915-1916, this annual income from the literary fund has been as follows:

| | |
|-----------------|-------------|
| 1910-1911 | \$76,052.11 |
| 1911-1912 | 83,258.42 |
| 1912-1913 | 86,622.80 |
| 1913-1914 | 92,316.94 |
| 1914-1915 | 90,515.76 |
| 1915-1916 | <hr/> |

"The certificates given for the third of bonds set apart for West Virginia's portion of the debt held by the literary fund shall be safely deposited and kept by the Board of Education, subject to the provisions of any settlement which may be had between this State and the State of West Virginia in reference to the public debt of West Virginia created prior to the formation of the State of West Virginia." Code, § 436.

II. All Appropriations Made by the General Assembly for Public Free School Purposes. Code, § 1506.

Such appropriations are made from funds in the State treasury not otherwise appropriated. Acts 1910, p. 395; Acts 1912, p. 237, and Acts 1914, p. 314, appropriating the public revenues. See p. 135, post.

Section 141 of the Constitution provides that no State funds may be appropriated to any school or institution of learning not owned or exclusively controlled by the State or some political sub-division thereof, except that the appropriation to the College of William and Mary may be continued at the discretion of the General Assembly, and that this section is not to be construed as affecting the provisions of Act of February 13, 1892, relating to the payment of interest on certain school and college bonds. See p. 183-4.

By Act of March 7, 1906 (p. 94), the property of the College of William and Mary was taken over by the State. See p. 70, ante.

Lobbying Prohibited.—The General Assembly prohibits any institution maintained in whole or in part by the State from spending any money for expenses of lobbying before the legislature. Expenses of their representatives are allowed when any committee of the General Assembly requests information to be given by competent persons. Acts 1914, p. 86, Biennial 1914, p. 399.

**Appropriations for Fiscal Year Ending February 28, 1911
(1910-1911)**

| | |
|--|--------------|
| Appropriation to be apportioned on the basis of the number of children in each district between the ages of seven and twenty, and used for the support of the public free schools of the primary and grammar grades..... | \$427,000.00 |
| “ for the encouragement and maintenance of rural graded schools of two, three, and four rooms, upon condition that no such school receive more than \$200.00 a year, or be allowed aid from the high school fund..... | 25,000.00 |
| “ for support of public high schools under Act of 1906 (p. 350), Supplement 1910, p. 663 | 100,000.00 |
| “ for establishment and support of departments of agriculture, domestic economy and manual training in at least one high school in each congressional district, conducted under rules and regulations prescribed by the State Board of Education and the president of V. P. I..... | 30,000.00 |
| “ for maintenance of summer normal schools..... | 18,000.00 |
| | <hr/> |
| | \$600,000.00 |
| “ for normal instruction in high schools, the allowance to any one school being limited to \$1,500.00 | 15,000.00 |
| “ for the establishment of libraries in public schools in cities, towns, and rural districts..... | 5,000.00 |
| “ to the fund for pensioning retired teachers..... | 5,000.00 |
| | <hr/> |
| Total appropriations for public free schools for 1910-1911, in addition to interest on literary fund (I), capitation tax (III), and property tax (IV), pp. 109-10, 130-5..... | \$625,000.00 |

**Appropriations for Fiscal Year Ending February 29, 1912
(1911-1912)**

| | |
|--|--------------|
| Appropriations the same as for 1910-1911..... | \$625,000.00 |
| Additional appropriation for equipment and improvement at agricultural high schools in the congressional districts, to be apportioned and expended as may be prescribed by the State Board of Education and the president of V. P. I., unless otherwise provided by law..... | 25,000.00 |
| | <hr/> |
| | \$650,000.00 |

**Appropriations for Fiscal Year Ending February 28, 1913
(1912-1913)**

| | |
|---|--------------|
| Appropriation to be apportioned on the basis of the number of children in each district between the ages of seven and twenty, and used for the support of the public free schools of the primary and grammar grades..... | \$337,800.00 |
| “ for the encouragement and maintenance of rural graded schools of two, three, and four rooms, upon condition that no such school receive more than \$200.00 a year, or be allowed aid from the high school fund..... | 75,000.00 |
| “ for the support of public high schools under Act of 1906 (p. 350), Supplement 1910, p. 663 | 100,000.00 |
| “ for establishment and support of departments of agriculture, domestic economy, and manual training in at least one high school in each congressional district, conducted under rules and regulations prescribed by the State Board of Education and the president of V. P. I..... | 32,000.00 |
| “ for maintenance of summer normal schools..... | 18,000.00 |
| “ for maintenance of the public free school at the Laurel Reformatory | 1,000.00 |
| | <hr/> |
| Amount forwarded..... | \$563,800.00 |

| | |
|---|--------------|
| Amount brought forward..... | \$563,800.00 |
| Appropriation for maintenance of the public free school at the Negro Reformatory..... | 600.00 |
| “ for maintenance of the public free school at the Virginia Home and Industrial School for Girls | 600.00 |
| | <hr/> |
| | \$565,000.00 |
| “ for normal instruction in high schools, the allowance to any one school being limited to \$1,500.00 | 15,000.00 |
| “ for establishment of libraries in public schools in cities, towns, and rural districts..... | 5,000.00 |
| “ to the fund for pensioning retired teachers..... | 5,000.00 |
| “ to the fund for pensioning retired teachers a further sum to cover deficit..... | 3,000.00 |
| | <hr/> |
| Total appropriations for public free schools for 1912-1913, in addition to interest on literary fund (I), capitation tax (III), and property tax (IV), pp. 109-10, 130-5..... | \$593,000.00 |

**Appropriations for Fiscal Year Ending February 28, 1914
(1913-1914)**

| | |
|--|--------------|
| Appropriations the same as for 1912-1913..... | \$593,000.00 |
| Less amount allowed to cover deficit in retired teachers' fund | 3,000.00 |
| | <hr/> |
| | \$590,000.00 |

**Appropriations for Fiscal Year Ending February 28, 1915
(1914-1915)**

| | |
|--|--------------|
| Appropriation to be apportioned on the basis of the number of children in each district between the ages of seven and twenty, and used for the support of the public free schools of the primary and grammar grades..... | \$228,800.00 |
| | <hr/> |
| Amount forwarded | \$228,800.00 |

| | |
|---|---------------------|
| Amount brought forward..... | \$228,800.00 |
| Appropriation for the encouragement and maintenance of rural graded schools of two, three, and four rooms, upon condition that no such school receive more than \$200.00 a year, or be allowed aid from the high school fund..... | 75,000.00 |
| “ for the support of public high schools under Act of 1906 (p. 350), Supplement 1910, p. 663 | 100,000.00 |
| “ for establishment and support of departments of agriculture, domestic economy, and manual training in at least one high school in each congressional district, conducted under rules and regulations prescribed by the State Board of Education and the president of V. P. I..... | 32,000.00 |
| “ for summer normal schools, an increased appropriation made subject to the provision that no officer or teacher in the public school system, or in any of the State institutions, employed by the calendar year, shall be paid both as an officer, or instructor in the summer school, and also as a teacher in the public school system, or in a State institution, during the period employed in the summer school, and subject to the further provision that no Virginia teacher shall be charged tuition in these summer normal schools..... | 40,000.00 |
| “ for maintenance of public free school at Laurel Reformatory, so much as may be necessary of | 1,000.00 |
| “ for maintenance of public free school at Negro Reformatory, so much as may be necessary of | 600.00 |
| “ for maintenance of public free school at Virginia Home and Industrial School for Girls | 600.00 |
| Amount forwarded | <u>\$478,000.00</u> |

| | |
|--|--------------|
| Amount brought forward..... | \$478,000.00 |
| Appropriation for maintenance and development of rural schools of one and two rooms, to be used especially for the purpose of increasing the length of term of said schools in a State-wide effort to provide proper school facilities for remote and needy communities, so much as may be needed of..... | 200,000.00 |
| “ for rent of offices for the State Board of Education, rendered necessary by the crowded condition of the capitol building, so much as is necessary of..... | 2,000.00 |
| | <hr/> |
| | \$680,000.00 |
| “ for normal instruction in high schools, the allowance to any one school being limited to \$1,500.00 | 20,000.00 |
| “ for establishment of libraries in public schools in cities and towns and rural districts..... | 3,000.00 |
| “ to fund for pensioning teachers..... | 5,000.00 |
| “ for dormitories to congressional high schools, upon condition that the districts raise a like amount for each school; that the supervision of each of said schools be extended to each congressional district, and that any portion of said sums not taken or used by any of said high schools by the end of the fiscal year for which appropriated should be apportioned among the other schools upon the same conditions, the amount to one school in no event to exceed \$2,000.00..... | 15,000.00 |
| | <hr/> |
| Total appropriations for public free schools for 1914-1915, in addition to interest on literary fund (I), capitation tax (III), and property tax (IV), pp. 109-10, 130-5 | \$723,000.00 |

**Appropriations for Fiscal Year Ending February 29, 1916
(1915-1916)**

Appropriations the same as for 1914-1915.....\$723,000.00

Appropriations for Testing Sight and Hearing of Public School Pupils—

By Act of March 14, 1908 (Acts 1908, p. 661, Supplement 1910, p. 855) the superintendent of public instruction was authorized, upon approval of the State board of health, to expend during the year 1908 a sum not to exceed \$400.00 and annually thereafter a sum not greater than \$300.00 for the purpose of carrying out the provisions of said act, providing for testing the sight and hearing of public school pupils.

No additional appropriations have been made to cover the expenditures so authorized.

Appropriations to State Institutions of Learning

For the State institutions of learning, the General Assembly has provided by law as set forth below, and for the years 1910-1911 and 1915-1916, inclusive, has appropriated to them respectively the sums stated:

University of Virginia—

The following appropriations have been made upon condition that all properly prepared white students from Virginia be given free tuition in the academic department, and that the University fee be not more than \$10.00. See p. 65, ante.

| | | |
|---|--------------|--------------|
| 1910-1911—For support | | \$ 80,000.00 |
| 1911-1912—For support | \$ 80,000.00 | |
| For support of hospital for free treatment, maintenance and care of Virginia patients. | 10,000.00 | 90,000.00 |
| 1912-1913—For support | 80,000.00 | |
| For support of hospital, as above | 18,000.00 | 98,000.00 |
| 1913-1914—For support | 80,000.00 | |
| For support of hospital, as above | 18,000.00 | 98,000.00 |

| | | |
|-------------------------------|--------------|--------------|
| 1914-1915—For support of Uni- | | |
| versity | \$ 80,000.00 | |
| For support of hospital | 22,500.00 | |
| For repairs and paint- | | |
| ing buildings | 15,000.00 | |
| For sewerage system..... | 7,500.00 | \$125,000.00 |

| | | |
|-------------------------------|-----------|------------|
| 1915-1916—For support of Uni- | | |
| versity | 80,000.00 | |
| For support of hospital | 22,500.00 | |
| For repairs and paint- | | |
| ing buildings | 12,500.00 | |
| For sewerage system..... | 7,500.00 | 122,500.00 |

Virginia Military Institute—

See p. 66-7 for provision for State cadets.

Section 1563 of the Code provides that “for the support of the said school there shall be paid out of the public treasury from time to time such sums as shall be appropriated therefor by the General Assembly.”

| | | |
|-----------------------------------|--------------|--------------|
| 1910-1911—For support, to include | | |
| expenses of board of | | |
| visitors, except the ad- | | |
| jutant general and | | |
| superintendent of pub- | | |
| lic instruction, other- | | |
| wise provided for..... | | \$ 40,000.00 |
| 1911-1912—For ditto | | 40,000.00 |
| 1912-1913—For ditto | \$ 40,000.00 | |
| For extending heating | | |
| system | 5,000.00 | 45,000.00 |
| 1913-1914—For support, etc., as | | |
| above | 40,000.00 | |
| For betterments | 10,000.00 | 50,000.00 |
| 1914-1915—For support, etc., as | | |
| above | 45,000.00 | |
| For removal of pro- | | |
| fessors' houses and en- | | |
| largement of parade | | |
| grounds | 20,000.00 | 65,000.00 |

| | | |
|--|--------------|--------------|
| 1915-1916—For support, etc., as above | \$ 45,000.00 | |
| For removal of pro- fessors' houses and en- largement of parade grounds | 25,000.00 | \$ 70,000.00 |

Virginia Agricultural and Mechanical College and Polytechnic Institute—

For the support of the Virginia Agricultural and Mechanical College and Polytechnic Institute, there shall be paid out of the public treasury from time to time such sums as shall be appropriated therefor by the General Assembly. See p. 68, ante, for provision for State students.

| | | |
|---|--------------|--------------|
| 1910-1911—For support | \$ 66,750.00 | |
| For the special purpose of conducting investi- gations, experiments and demonstrations with tobacco and other crops grown in rota- tion or connection with tobacco | 5,000.00 | |
| For school of mines, and other equipment and betterments | 6,000.00 | \$ 77,750.00 |
| 1911-1912—For ditto | | 77,750.00 |
| 1912-1913—For support | 61,750.00 | |
| For tobacco investiga- tions and experiments, as above | 5,000.00 | |
| For additional for school of mines | 6,000.00 | |
| For additional for district experiment station | 5,000.00 | 77,750.00 |
| 1913-1914—For ditto | | 77,750.00 |

| | | |
|--|--------------|--------------|
| 1914-1915—For support | \$ 66,750.00 | |
| For payment of debt due First National Bank of Richmond, and additional for building shops | 56,000.00 | |
| For school of mines..... | 6,000.00 | \$128,000.00 |
| <hr/> | | |
| 1915-1916—For support | 66,750.00 | |
| For completing shop building | 41,740.00 | |
| For school of mines..... | 6,000.00 | |
| For sewage disposal tanks | 4,250.00 | 118,740.00 |
| <hr/> | | |

United States Land Grants to V. P. I.—

There has further been set apart by the General Assembly for this institution income arising from the investment in State bonds of funds derived from the sale of land scrip allotted to Virginia under Acts of Congress passed July 2, 1862, and August 30, 1890, which were directed to be set apart to constitute an education fund, the interest only to be used, and apportioned two-thirds to the V. P. I., and one-third to the Hampton Normal and Agricultural Institute. Code, §§ 1586, 1588, 1605. See pp. 124, 161.

By Code, § 1598, the governing boards of these institutions were given authority to spend, in their discretion, a part of the said funds, not exceeding 10% of the proportion assigned to them respectively, in the purchase of land for experimental farms for each of them; and further to spend a portion of the accruing interest from time to time in the purchase of suitable and appropriate laboratories. Code, § 1598.

The General Assembly reserves the power to withdraw the benefits of the above appropriations; but if at any time the said annuity is withdrawn, the real and personal property conveyed to the V. P. I. by the trustees holding it when it was known as "Preston & Olin Institute," and by the county of Montgomery, reverts to the grantors; likewise, under these circumstances, donations or subscriptions to the V. P. I. revert to the donors or subscribers. Code, §§ 1588, 1601, 1605, 1607.

Appropriations for Conducting Demonstration Work—

| | |
|---|--------------|
| 1914-1915—For the purpose of conducting demonstration work in the State of Virginia, or in the several counties therein, in connection and coöperation with the United States department of agriculture | \$ 20,000.00 |
| 1915-1916—For ditto | 20,000.00 |

The funds for conducting demonstration work in the State and its counties are given to the V. P. I., to be used in paying salaries and necessary traveling expenses of State, district, local, and county agents engaged in coöperative demonstration work. Acts 1914, p. 710, Biennial 1914, p. 497.

The provisions of the above Act were made in anticipation of the passage of an Act of Congress providing for work of a similar character within the several states, through the agricultural colleges receiving the benefit of the land grant, and it is therein specifically declared that upon the passage of any such Act of Congress requiring the State to make an equal appropriation, that the appropriations thereby made are to be taken as an acceptance of the provisions of said Act of Congress and as an appropriation of money on the part of the Commonwealth of Virginia to meet the funds allotted to this State from any such U. S. government appropriations.

For the provisions of the Act of Congress, passed May 8, 1914, providing for "coöperative agricultural extension work between agricultural colleges in the several states receiving the benefits of an Act of Congress approved July 2, 1862, and of the Acts supplementary thereto, and the United States Department of Agriculture," familiarly known as the "Smith-Lever bill," see Appendix, p. 267-70

Prior to the passage of the above Act of March 27, 1914, the Demonstration work of the State was directed by the United Agricultural Board, created by Act of March 17, 1910 (p. 573), amended by Act of March 12, 1912 (p. 312), and for the years 1912-1913 and 1913-1914, an annual appropriation of \$10,000.00 was made toward the support of the work in charge of said board. Said board was abolished by said Act of 1914.

The College of William and Mary in Virginia—

| | |
|---|-----------------|
| 1910-1911—For support | \$ 40,000.00 |
| 1911-1912—For support | \$ 40,000.00 |
| For plant to supply heat and light to college | 15,000.00 |
| | <hr/> 55,000.00 |

| | | |
|--|--------------|--------------|
| 1912-1913—For support | \$ 40,000.00 | |
| For debt and interest on heating plant | 17,000.00 | \$ 57,000.00 |
| <hr/> | | |
| 1913-1914—For support | | 40,000.00 |
| 1914-1915—For support | | 40,000.00 |
| 1915-1916—For support | 40,000.00 | |
| For repairing and re- furnishing the Talia- ferro building | 5,300.00 | |
| For new dining hall and kitchen equipment | 14,700.00 | |
| For converting present dining hall and kitchen into dormitory rooms | 5,000.00 | |
| For furniture for ad- ditional rooms | 1,500.00 | 66,500.00 |
| <hr/> | | |

The Medical College of Virginia—

For the years 1910-1911 and 1915-1916, inclusive, the General Assembly has appropriated \$5,000.00 annually toward the maintenance of this institution.

The State Normal School for Women at Farmville—

Code, § 1612. “For the support of said school there shall be paid out of the public treasury from time to time such sums as shall be appropriated therefor by the General Assembly, to pay incidental expenses, the salaries of officers and teachers, and to maintain the efficiency of the school; provided that the Commonwealth shall not in any instance be responsible for any debt contracted or expenditure made by the institution in excess of these appropriations.” See p. 71 for provision for State students.

| | | |
|---|--------------|--------------|
| 1910-1911—For support | \$ 50,000.00 | |
| For purchase of needed adjacent property | 6,700.00 | \$ 56,700.00 |
| <hr/> | | |
| 1911-1912—For support | 55,000.00 | |
| For an infirmary | 15,000.00 | 70,000.00 |
| <hr/> | | |

| | | |
|---|--------------|--------------|
| 1912-1913—For support | | \$ 60,000.00 |
| 1913-1914—For support | \$ 60,000.00 | |
| For training schools and equipment | 35,000.00 | 95,000.00 |
| 1914-1915—For support | 66,000.00 | |
| For laundry building and additional equip- ment | 10,000.00 | 76,000.00 |
| 1915-1916—For support | | 66,000.00 |

The State Normal School for Women at Harrisonburg

The State Normal School for Women at Fredericksburg

The State Normal School for Women at Radford

“For the support of the said schools there shall be paid out of the public treasury from time to time such sums as shall be appropriated, to pay incidental expenses, the salaries of officers and teachers, and to maintain the efficiency of the said schools; provided that the Commonwealth shall not in any instance be responsible for any debt contracted or expenditure made by said institutions in excess of the appropriations made.” Acts 1908, p. 427, and Acts 1910, p. 417, appropriating the public revenue.

Harrisonburg—

| | | |
|---|--------------|--------------|
| 1910-1911—For support | \$ 25,000.00 | |
| For indebtedness on ac- count of purchase of land and equipment, installation of water and sewer system | 30,000.00 | \$ 55,000.00 |
| 1911-1912—For support | 30,000.00 | |
| For dormitory and equipment | 35,000.00 | 65,000.00 |
| 1912-1913—For support | | 35,000.00 |
| 1913-1914—For support | 35,000.00 | |
| For improvements | 25,000.00 | 60,000.00 |

| | | |
|---|--------------|--------------|
| 1914-1915—For support | \$ 35,000.00 | |
| For building, library, chapel, dining room, kitchen, office, and class rooms | 50,000.00 | \$ 85,000.00 |

| | | |
|--------------------------------------|-----------|-----------|
| 1915-1916—For support | 40,000.00 | |
| For equipment for li- brary | 5,000.00 | 45,000.00 |

Fredericksburg—

| | | |
|-----------------------------------|--|--------------|
| 1910-1911—For building fund | | \$ 50,000.00 |
|-----------------------------------|--|--------------|

| | | |
|---|--------------|-----------|
| 1911-1912—For building and equip- ment | \$ 70,000.00 | |
| For support | 15,000.00 | 85,000.00 |

| | | |
|-----------------------------|-----------|-----------|
| 1912-1913—For support | 35,000.00 | |
| For furniture, etc. | 11,000.00 | |
| For payment on note..... | 18,000.00 | 64,000.00 |

| | | |
|-----------------------------|-----------|-----------|
| 1913-1914—For support | 35,000.00 | |
| For balance on debt..... | 29,000.00 | 64,000.00 |

| | | |
|-----------------------------|-----------|-----------|
| 1914-1915—For support | 35,000.00 | |
| For dormitory building | 37,500.00 | 72,500.00 |

| | | |
|-----------------------------|-----------|-----------|
| 1915-1916—For support | 40,000.00 | |
| For equipment | 5,000.00 | 45,000.00 |

Radford—

1910-1911—School at Radford not
established u n t i l
1912—

| | | |
|---|--|--------------|
| 1911-1912—For the establishment of the State Normal and Industrial School at Radford | | \$ 25,000.00 |
|---|--|--------------|

| | | |
|---------------------------------|--------------|-----------|
| 1912-1913—For improvement | \$ 25,000.00 | |
| For support | 10,000.00 | 35,000.00 |

| | | |
|---|--------------|--------------|
| 1913-1914—For improvement | \$ 25,000.00 | |
| For support | 15,000.00 | \$ 40,000.00 |
| <hr/> | | |
| 1914-1915—For support | 23,000.00 | |
| For building dormitory | 35,000.00 | |
| For equipment of ad- ministration building | 6,000.00 | |
| For laundry building..... | 2,000.00 | 66,000.00 |
| <hr/> | | |
| 1915-1916—For support | 28,000.00 | |
| For power house | 6,000.00 | |
| For laundry building..... | 2,000.00 | |
| For furniture for dormitory | 3,000.00 | |
| For water works im- provement | 4,000.00 | 43,000.00 |
| <hr/> | | |

Virginia Normal and Industrial Institute—

Code, § 1613(10). “The General Assembly shall make such appropriations annually out of the revenues of the State for the support and maintenance of the said institute as it shall deem advisable.” See p. 73, ante, for provisions for State students.

| | | |
|------------------------------|--------------|--------------|
| 1910-1911—For support | | \$ 20,000.00 |
| 1911-1912—For support | | 20,000.00 |
| 1912-1913—For support | \$ 21,000.00 | |
| For water supply..... | 2,500.00 | 23,500.00 |
| <hr/> | | |
| 1913-1914—For support | | 21,000.00 |
| 1914-1915—For support | 22,500.00 | |
| For building dormitory | 10,000.00 | |
| For equipment for farm | 1,000.00 | 33,500.00 |
| <hr/> | | |
| 1915-1916—For support | | 22,500.00 |

Hampton Agricultural and Industrial Institute—

There has been set apart by the General Assembly for this institution one-third of the income arising from the investment of funds derived from the sale of land scrip allotted to Virginia under Acts of Congress passed July 2, 1862, and August 30,

1890; the other two-thirds going to V. P. I. Code, § 1586, and p. 119, ante.

A part of the fund, not exceeding 10% of the proportion assigned to the said institutions, respectively, may be spent in the purchase of land for experimental farms for each of them, and a portion of the accruing interest may from time to time be spent by said boards in the purchase of suitable and proper laboratories. Code, § 1598.

This State appropriation to Hampton from the land scrip funds as aforesaid, is conditioned upon the continued maintenance and support in the said institute of one or more schools or departments, the leading object of which is instruction in such branches of learning as relate especially to agriculture, the mechanic arts, and military tactics, and the General Assembly reserves the power to withdraw the whole or any part of the benefit of the said appropriation. Code, §§ 1602, 1607. See pp. 73-4, ante, for provision for State students at Hampton.

Appropriations for Students' Loan Fund at State Institutions of Learning

By Act of 1908 (p. 430) the General Assembly provided that in addition to the sums appropriated for the support of the State School for Women at Farmville, the V. P. I., the V. M. I., the University of Virginia, and the College of William and Mary, an amount not to exceed that of the annual appropriations made to them, respectively, was to be paid to them each year for five years from funds in the treasury not otherwise appropriated, for the purpose of a students' loan fund at each of said institutions. See p. 72, ante, for terms of establishment.

By Act of 1910 (pp. 404 and 418) the State Normal Schools for Women at Harrisonburg and Fredericksburg were included in the benefits of this foundation, and the time extended for five years from the passage of said Act of March 16, 1910.

By Act of 1912 (pp. 253 and 270) the time was again extended for five years from the passage of the said Act of March 12, 1912, and the amount specified at \$3,200.00 annually for the years 1912-1913 and 1913-1914.

By Act of 1914 (pp. 335 and 359) the State Normal School for Women at Radford was included, the time limit omitted, and the amount specified at \$3,800.00 annually for the years 1914-1915 and 1915-1916.

State Schools for the Defective, Deficient, and Delinquent

For the State schools for the defective, deficient, and delinquent the General Assembly has provided by law as set forth below, and for the years 1910-1911 and 1915-1916, inclusive, has appropriated to them respectively the sums stated.

The Virginia School for the Deaf and Blind—

Code, § 1659. "For the support of the said institution there shall be paid out of the public treasury on the order of the board of visitors, attested by the secretary, and countersigned by the president of the board, such sums as may from time to time be appropriated by the General Assembly of Virginia."

| | | |
|---|--------------|--------------|
| 1910-1911—For support | \$ 50,000.00 | |
| For treatment of such persons as the super- intendent may con- tract for at the Rich- mond Eye Infirmary... | 1,500.00 | |
| For debt | 5,545.00 | \$ 57,045.00 |
| 1911-1912—For support | 50,000.00 | |
| For treatment, as above | 1,500.00 | 51,500.00 |
| 1912-1913—For support, treatment, as above, and debt..... | | 60,000.00 |
| 1913-1914—For support, treatment, as above, and debt..... | | 54,500.00 |
| 1914-1915—For support | 58,500.00 | |
| For treatment, as above | 1,500.00 | |
| For betterments | 7,500.00 | |
| For reimbursement for amount paid Rich- mond Eye and Ear In- firmary | 3,000.00 | 70,500.00 |
| 1915-1916—For support | 58,500.00 | |
| For treatment, as above | 1,500.00 | |
| For betterments | 7,500.00 | 67,500.00 |

The Virginia State School for Colored Deaf and Blind Children—

| | | |
|--|--------------|-----------|
| 1910-1911—For support | \$ 10,000.00 | |
| For steam plant, including laundry, shops, etc. | 10,000.00 | 20,000.00 |
| 1911-1912—For support | 15,000.00 | |
| For improvements | 8,500.00 | 23,500.00 |
| 1912-1913—For support | 17,500.00 | |
| For betterment and purchase of farm | 12,500.00 | 30,000.00 |
| 1913-1914—For ditto | | 30,000.00 |
| 1914-1915—For support | 22,000.00 | |
| For hospital building for contagious cases..... | 6,000.00 | 28,000.00 |
| 1915-1916—For support | 22,000.00 | |
| For barn and water supply | 3,000.00 | |
| For silos | 350.00 | |
| For binder | 100.00 | |
| For pair of mules..... | 400.00 | |
| For addition to machinery in laundry and shop | 600.00 | 26,450.00 |

No special State appropriations have been made for schools for the Deficient, except \$8,500.00 in 1914, for a "building for chapel, school room, amusement hall, and work shop," at the Virginia Epileptic Colony and Colony for the Feeble-minded, near Lynchburg.

Virginia Home and Industrial School for Girls—

Acts 1910—For years ending February 1, 1911 and 1912: for receiving a person into the home when first committed, 50 cents, and for supporting her therein each day, 50 cents, provided no more than \$12,000.00 be spent in any one year.

Acts 1912—For years ending February 1, 1913 and 1914, each \$12,000.00, “which shall include the amount appropriated by Acts 1910, and for necessary improvements on the property.”

Acts 1914—For years ending February 1, 1915 and 1916 each, “for maintenance as per Acts of 1910, for improvement and to pay any deficit, \$12,000.00, or so much thereof as may be necessary.”

For the years ending February 1, 1913, 1914, 1915, 1916, respectively, the State Board of Education was authorized to spend from the general school funds \$600.00 a year, or so much thereof as might be necessary, in the maintenance of the public free schools at the above institution.

The Industrial Home School for Wayward Colored Girls—

1914-1915—For necessary improvements, and support upon the basis of 50 cents for receiving a person into the home when first committed, and for keeping and supporting her therein, for each day, the sum of 30 cents, within the limit of \$3,000.00 a year to be expended for this purpose.

1915-1916—Same provision.

The Public Free School on the Grounds of the Prison Association of Virginia, at Laurel, Henrico County—

By Acts of Assembly 1908, p. 688, \$25,000.00 was appropriated for the erection and equipment of a school house for the above school, to be expended under the direction of the State Board of Education, and for the years 1910-1911 and 1915-1916, inclusive, \$1,000.00 per year, to be used for the salaries of teachers, and paid out by the State Board of Education, from the fund appropriated for primary and grammar schools.

The Public Free School on the Grounds of the Negro Reformatory Association of Virginia, in Hanover County—

The General Assembly has appropriated out of the school funds of the State \$600.00 a year for the maintenance of this school, to be received by the State Board of Education and applied by it to the payment of teachers. Acts 1910, p. 327, Supplement 1910, p. 910.

Other State Institutions Educational in Character

State Library and Traveling Libraries—

Section 248 of the Code provides that all books, documents, and maps published by the State, and not otherwise disposed of by law, shall be sold, and the proceeds thereof shall constitute a library fund for the support and improvement of the library and the publication of records.

For the years 1910-1911 and 1915-1916, inclusive, there has been appropriated \$2,500.00 a year for salary of a State librarian; \$1,600.00 for an assistant librarian; \$1,200.00 for a reference librarian; \$900.00 for a cataloguer; and \$750.00 for a stenographer; and, in addition, allowances for janitors, police protection, elevator service, etc., and \$6,000.00 per annum was appropriated for those years for salaries of such other assistants and expenses as were necessary for publishing the Journal of the House of Burgesses, and for traveling libraries.

In 1912-1913 and 1915-1916, inclusive, \$1,000.00 additional per year was allowed for traveling libraries.

In 1911-1912 and 1915-1916, inclusive, \$1,500.00 a year was allowed for book stacks, and in 1911-1912, \$1,000.00 for restoring pictures in the portrait gallery.

A Commission to Devise Suitable Methods for the Maintenance, Management, and Support of the Educational Institutions of the State

At the 1908 session of the General Assembly, a commission was created, consisting of seven persons, to be appointed by the governor, four of them experienced educators, charged with the duty of devising, after due investigation, some suitable and systematic method for the management and expansion of the higher educational institutions of the State, leading to a definite and harmonious educational system, freed from the present tendency toward duplication, and for meeting the demands of these institutions for maintenance upon the basis of natural growth and needs rather than upon the amount of available surplus in the State treasury.

The members of this commission were allowed no compensation, but \$500.00, payable on the order of the governor, was appropriated out of which to reimburse them for their actual expenses incurred in the discharge of their duties.

This commission was continued by the session of 1910, and the appropriation for the year 1910-1911 was made to include an investigation and report of some practical and advisable plan for the higher education of women by the State, and a consideration of the bill before that session of the General Assembly, known as Senate Bill No. 92, seeking to establish at Charlottesville a woman's college coördinate with the University of Virginia. Acts 1908, p. 390, and Acts 1910, p. 406.

III. \$1.00 of the capitation tax levied on each male resident of the State not less than 21 years of age, except those pensioned by Virginia for military service.
Const., § 135; Code, § 1506

The State Constitution, § 173, provides that the General Assembly shall levy a State capitation tax of not exceeding \$1.50 per annum on every male resident of the State not less than 21 years of age, except those pensioned by the State for military services; \$1.00 of which shall be applied exclusively in aid of the public free schools, in proportion to the school population, and the residue returned by the State to the county or city in which it was collected, to be used by the proper local authorities for such city or county purposes as they shall respectively determine.

State capitation tax is not a lien upon, and can not be collected by legal process from, the personal property exempt from levy or distress under the poor debtor's law. Const., § 173.

IV. Such tax on property, not less than one, nor more than five mills on the dollar, as the General Assembly may from time to time order levied. Const.,
§ 135; Code, § 1506

All taxes, whether State, local, or municipal, must be uniform upon the same class of subjects within the territorial limits of the authority levying the tax. Const., § 168.

The revenues for apportionment, upon the basis of school population, to the public free schools of the State of the primary and grammar grades under § 1507 of the Code (see p. 172), for the years 1910-1911 to 1915-1916, inclusive, have been as follows:

| | |
|----------------|----------------|
| 1910-1911..... | \$1,027,828.56 |
| 1911-1912..... | 1,157,238.64 |
| 1912-1913..... | 1,239,483.54 |
| 1913-1914..... | 1,308,740.83 |
| 1914-1915..... | 1,351,502.89 |
| 1915-1916..... | <hr/> |

New Land Assessment and Tax System

The State revenues for 1915-1916 will be derived under a new tax system, and the amount, therefore, cannot be even approximated in advance.

Under said § 135 of the Constitution, fixing the limits within which the General Assembly might from time to time order a school tax on property to be levied, it was further provided that if at any time the several kinds or classes of property were segregated for purposes of taxation, so as to specify upon what subjects State, and upon what local, taxes were to be levied, then the General Assembly might otherwise provide for a fixed appropriation of State revenue for the support of the schools, *not less than that provided by said § 135.*

The General Assembly which met in extra session on Wednesday, January 13, 1915, approved an Act on March 15, 1915 (p. 119), recording its judgment that the interests of the State would be promoted by putting into operation at the earliest date practicable a plan of complete segregation of the subjects of taxation, so as to specify and determine upon what subjects State, and upon what local, taxes might be levied; and, by various other acts passed at that session it put into operation a new system, partially segregating the subjects of taxation. In view, however, of the regular quintennial re-assessment of real estate to be made in 1915, in pursuance of constitutional provision (Const., § 171; Code, § 437), it was impossible to make an accurate estimate of the revenues to be derived thereafter from that source, and it being likewise impossible to make in advance any accurate estimate of the revenues to be derived from taxable intangible personal property under the plan of complete segregation contemplated, it was deemed expedient to continue until the next session of the General Assembly the existing levy of State taxes for school purposes, in order to provide against any temporary loss in the State's revenue incident to this re-adjustment of the tax system of the State.

See also Acts Extra Session 1915, pp. 49, 106, 112, 113, 115, 117, 124, 136, 137, 138, 139, 146, 147, 149, 153, 154, 160, 197, 209, 219, and 232 to 268, inc.

Therefore, until further action by the General Assembly, the levy of State taxes for public school purposes—in addition to the \$1.00 of capitation tax mentioned above—is as follows:

One mill on the dollar of the assessed value of the following property, except such as is by law exempt from taxation, as shown on pp. 140-4, post. Code, § 1507.

On real estate; that is, tracts of land and lots, and the improvements thereon; ground rents and rent charges, including the real estate of public service, and all other, corporations, and of all persons and firms, except as expressly exempted by § 183 of the Constitution and §§ 457 and 488 of the Code. Acts Extra Session 1915, pp. 119, 137, 197. Acts 1903, § 2, Code, pp. 21, 91.

On tangible personal property, as follows: On cattle and other stock, vehicles, mechanic's tools, farming implements, felled timber and bark for sale by other than the owner of the land upon which felled within twelve months preceding the 1st day of February in each year; grain, tobacco, and other agricultural products not belonging to the owner of the land upon which produced, but to a purchaser; household and kitchen furniture, musical instruments, sewing machines, gold and silver plate, watches, jewelry, precious stones and metals, books, pictures and other works of art, firearms and accoutrements, except those issued by the State to members of volunteer companies, or for police purposes; turnpikes and ferries, except steam ferries owned or operated by a chartered company; boats or water craft under five tons burden, used for business or pleasure; ships, tug boats, barges, boats, or other water craft of five tons burden or over, and all other floating property (other than that owned by corporations which operate steamships, boats, etc., for transportation of passengers or freight, and which must be assessed by the State Corporation Commission), whether used for business or pleasure, together with rigging, tackle, and furniture, and all else that pertains to them, or any share of interest therein. Acts Extra Session 1915, pp. 119, 137. See Acts 1903, § 6, Schedule B.

Oysters planted or shells deposited for the propagation of oysters are taxed for State, county, and school purposes upon the same basis as other personal property is taxed. Code, § 2140a.

On tangible personal property of insurance companies, industrial sick benefit associations, etc., and public service corporations, except rolling stock of corporations operating railroads by steam. Acts Extra Session 1915, pp. 119, 137, 197.

Until further action of the General Assembly, as stated, there must also be included in the State taxes applicable to the public free schools, one mill on the dollar of the assessed value of the following property:

Rolling stock of corporations operating railroads by steam, as assessed annually by the State Corporation Commission, including passenger, freight, cattle or stock, baggage, mail, express, sleeping, palace, and all other cars owned by or belonging to the corporation; boats, machinery, depot and office furniture and equipment, "houses and appurtenances occupied by lockgate keepers and other employees," provided that foreign railroad and canal corporations doing business in Virginia shall report the average rolling stock habitually used by them respectively in this State. Acts Extra Session 1915, pp. 112, 119, 137, 197.

Quere: Why include under rolling stock the "houses and appurtenances occupied by lock-keepers and other employees"? See Acts Extra Session 1915, p. 197, sub-sec. 4.

Intangible personal property, as follows: (Acts Extra Session 1915, p. 160.

1. Bonds, notes, and other evidences of debt, including bonds of other States than Virginia, bonds of counties, cities and towns located outside of the State of Virginia, bonds of railroad and canal companies and other corporations, bonds of individuals and all demands and claims, however evidenced, whether secured by deed of trust, judgment or otherwise, or not so secured.

2. All capital of individuals, including moneys, credits or other thing, loaned, used or employed in business out of this State.

3. All capital of corporations, or incorporated joint stock companies not otherwise taxed; and when all of such capital is taxed by this State, the shares of such stock in the hands of individual shareholders shall not be further taxed for State purposes; but real estate belonging to such corporations and companies shall not be held to be capital, but shall be listed and taxed as real estate.

4. All capital of individuals invested, used or employed in any trade or business *not otherwise taxed*. Moneys and credits actively used and employed in carrying on the trade or business, materials, goods, wares, and merchandise on hand and all solvent bonds, notes, demands or claims made or contracted in the course of business during the preceding year (but not including any moneys on hand received from loans made for a period of

not more than four months, which shall be owing and shall have been actually contracted for the necessary conduct of such business).

Real estate is not listed as such capital, but is taxed as is other real estate.

This does not prevent cities and towns, in pursuance of their charters, of the laws of the State governing cities and towns, from imposing a license tax on merchants, mercantile firms or corporations, based on their purchases, or otherwise.

Act Extra Session 1915, p. 119, provides that the capital of merchants shall not be subject to State taxation, but may be taxed locally as prescribed by law, and being thus "otherwise taxed," is exempt under sub-sec. 4 of Acts of Extra Session 1915, p. 160.

5. Value of the principal or personal estate and credits, other than money, under control of a court receiver or commissioner, or in the hands of a fiduciary, or in bank to credit of any suit and not in the hands of a fiduciary.

6. All money, other than money used or employed in any trade or business, not otherwise taxed, on deposit with any bank or other corporation or firm or person, or in possession or under control of the owner, whether in or out of the State, belonging to a citizen of this State, including fiduciary funds, and moneys to credit of any suit, or in hands of receiver or commissioner.

7. All shares of stock of corporations or joint stock companies; except those whose total capital is taxed by this State, or which pay a franchise tax in Virginia, and banks, banking associations, trust and security companies, and insurance companies, all of which are otherwise taxed.

8. Bonds of counties, cities, and towns, or other political subdivisions of this State.

Bank Stock.—Act of Extra Session of 1915, p. 209, sub-sec. 18, provides for schools a State tax of one mill on the dollar of the actual assessed value of shares of stock of banks, banking associations, trust and security companies.

Sources of all State Revenues.—The total State tax on the classes of property listed on pp. 132-4, *including the one mill to schools*, under the provisions of the laws passed at Extra Session of 1915 is as follows:

| | |
|--|-------------------|
| On real estate and tangible personal property, except rolling stock of steam railroads | 1 mill to schools |
|--|-------------------|

| | |
|--|--------------------------------------|
| On rolling stock of steam rail- road | 13 $\frac{3}{5}$ % of assessed value |
| On intangible personal property de- scribed in §§ 1, 2, 3, 4, 5, and 7..... | 65c on \$100.00 |
| On intangible personal property de- scribed in § 6, money..... | 20c on \$100.00 |
| On intangible personal property de- scribed in § 8..... | 35c on \$100.00 |
| On shares of stock in banks and bank- ing associations, trust and security companies | 35c on \$100.00 |

In addition, the State segregates to itself the license taxes imposed upon insurance companies, the license tax of \$3.00 per mile charged sleeping, dining and parlor car companies for every mile of track over which they operate in the State; licenses charged for the privilege of doing business in the State in various lines (Acts Extra Session 1915, pp. 232-268. See also pp. 130-4, ante; income tax, inheritance tax, tax on charters, deeds, etc., etc., all of which go toward making up the funds in the State treasury from which special appropriations may be made by the General Assembly to the public schools and State institutions of learning. See p. 110.

CHAPTER IX

SOURCES OF LOCAL REVENUES FOR THE ESTABLISHMENT, SUPPORT AND MAINTENANCE OF THE PUBLIC FREE SCHOOLS AND LOCAL FUNDS IN AID OF EDUCATION

COUNTY AND DISTRICT SCHOOL FUNDS

Section 136 of the Constitution provides:

“Each county, city, town (if the same be a separate school district), and school district is authorized to raise additional sums by a tax on property, not to exceed in the aggregate five mills on the dollar in any one year, to be apportioned and expended by the local school authorities of said counties, cities, towns, and districts in establishing and maintaining such schools as in their judgment the public welfare may require; provided, that such primary schools as may be established in any school year shall be maintained at least four months of that school year before any part of the fund assessed and collected may be devoted to the establishment of schools of higher grade. The boards of supervisors of the several counties and the councils of the several cities and towns, if the same be separate school districts, shall provide for the levy and collection of such local school taxes.”

County School Funds—

County school funds embrace donations, or the income arising therefrom, and any other funds that may be set apart for public school purposes, and such taxes as may be levied by the board of supervisors on real estate and personal property. See pp. 132, 145-149. Code, § 1506; Acts Extra Session 1915, pp. 119, 137, 160, 209.

Special County Appropriations Authorized.—County boards of supervisors are authorized:

To appropriate out of county funds, for the support of demonstration work in their respective counties, such sums as

they may deem proper, to be used in coöperation with the V. P. I. in paying the salaries and expenses of demonstrators or county agents in their counties; these appropriations to be supplemented by sums to be paid out of the funds appropriated to the V. P. I. for such work, and such funds as may be furnished or allotted by the U. S. Department of Agriculture, in aid of such coöperative work in Virginia as may be agreed upon.

To expend annually not exceeding \$1,000.00 for the promotion of agriculture in their respective counties. Acts 1912, p. 653, Biennial 1912, p. 234. For special provision for an appropriation of \$3,000.00 by Wythe County, see Acts 1912, p. 563, Biennial 1912, p. 234.

To appropriate such sums of money as they may deem proper for the establishment, equipment, and maintenance of an agricultural school in each district, and appropriations previously made for that purpose are ratified. Acts 1910, p. 328, Supplement 1910, p. 911.

Limits of County Levy.—The county levy for school taxes may not be less than ten nor more than forty cents on the \$100.00 of assessed value of real estate and personal property subject to levy for school taxes. Code, § 1506.

District School Funds—

District school funds in the counties embrace such dog tax as the board of supervisors may apply to school purposes; donations, or the income arising therefrom; such other funds as may be set apart for district school purposes, and such tax as the board of supervisors may levy upon real estate and personal property of the district. Code, § 1506; Acts Extra Session 1915, pp. 119, 137, 160, 209.

Logs belonging to timber dealers, which are not branded as required by law, found floating on the streams of the State, and recovered therefrom by any person, must be at once reported by the finder in writing to the clerk of the court having jurisdiction of his place of residence.

Thirty days thereafter, after having given at least ten days notice by written or printed notices posted at the front door of the court house, or near thereto, and at one or more public places in the county, the sheriff must sell the same at the court house door on the first day of a term of court.

The owner may recover possession of such property by satisfying the sheriff that he is entitled thereto, or by action of detinue, as provided by law.

The proceeds of sale of all such logs or timber sold, less the expenses of making sale, must be paid over to the treasurer of the county for the benefit of the public schools of the district wherein the person making the report at that time resides.

Failure to report, or to turn over such log or timber to the sheriff, or failure on the part of the sheriff to make sale as provided, is a misdemeanor, punishable by fine of not less than \$10.00 nor more than \$100.00 for each offense. Code, § 1906c.

Boards of supervisors may apply to public school purposes, in their discretion, such dog tax as is left after remunerating inhabitants of the county for losses sustained from sheep or other stock killed or crippled by dogs, and paying the expenses of enforcing the dog tax law. Code, § 501a.

Limits of District Levy.—The district levy for school taxes may not be less than ten nor more than thirty-five cents on the \$100.00 of assessed value of real estate and personal property subject to levy for school taxes. Code, § 1506.

Limits of Combined County and District Levies.—The combined levy for county and district purposes may not exceed fifty cents on the \$100.00 of assessed value of real estate and personal property subject to levy for school taxes. Code, § 1506.

Exception Permitted to Minimum Levy.—Boards of supervisors may be permitted to make a less rate of levy than the minimum of one mill stated, under special order of the State Board of Education, when in its judgment a less rate will produce sufficient funds to provide adequate school facilities in the territory concerned. Code, § 1506.

Question of Increased Levy Submitted to Qualified Voters.—If the levies made as provided do not produce the revenue estimated by county and district boards as necessary to provide and maintain adequate school facilities, it is the duty of the board of supervisors, upon petition in writing from the county board asking for a reference of the question of an increased levy to the qualified voters of the county or district, as the case may be, to submit the question and the amount of the increase to the qualified voters—of the county, if the increase desired be of the county levy, or of the district, if it be of the district levy. The

affirmative vote of a majority of the qualified voters casting their ballots at the election is necessary to secure the increase, which may in no event bring the total county and district levy over five mills on the dollar. Code, § 1506 .

Special Exception to Limit of Maximum Levy.—The board of supervisors of any county wherein any district school board issued bonds under any special Act of the General Assembly prior to the passage of the Acts of 1902-3-4, is authorized and required to levy annually a sufficient tax to pay the principal and interest of said bonds as they fall due. Such levy is in addition to the annual levy authorized by law to be laid for general district school purposes, and may not exceed 25 cents on the \$100.00 of the assessed value of the property in the district. Code, § 834a.

City School Funds—

The council of each city shall have power, and it shall be its duty, on or before the fourth Monday in July in each year, or as soon thereafter as practicable, to levy a tax upon the real and personal property in the city of not to exceed fifty cents on the hundred dollars, of its assessed value, or the council may, in its discretion, make an appropriation in lieu of such levy. Code, § 1529. See also Acts 1906, p. 230, sub-secs. 17 & 21, Supplement 1910, p. 644, and constitutional provision, § 136, on p. 56, ante.

Local Capitation Tax—

All State capitation tax in excess of \$1.00 (see p. 130, ante) is returned to the county or city in which collected, to be used for such local purposes as the proper authorities may determine. Const., § 21. And the General Assembly is empowered by § 173 of the Constitution to authorize the board of supervisors of any county, or the council of any city or town, to levy an additional capitation tax, not exceeding \$1.00 per annum, on "every resident within its limits," to be applied in aid of the public schools, or to such other county, city or town purposes as they shall determine.

Retired Teachers' Fund—

In order to provide a fund to pension teachers retired under the provisions of Acts 1910, p. 127, and Acts 1912, p. 655, all contracts with teachers in the public free schools of the State

must provide that the officer whose duty it is to pay them shall deduct monthly from their salaries a sum equal to one per centum thereof. See pp. 111-16, ante, for appropriations, and pp. 182-3 for other provisions.

All persons pensioned under the said acts have deducted from their first year's pension an amount equal to 30% of the average salary earned by them respectively during the last five years they were teachers in the State, less any amounts they may have contributed to the fund; the amounts so deducted to be used toward the creation of a permanent endowment for the retirement fund, only the income therefrom being used to pay pensions or other current expenses.

The Real and Personal Property Taxable for Local Purposes Under the New Tax System of 1915

(For classification of property under each head, see pp. 132-4, ante.)

Real Estate and Tangible Personal Property—

The State tax on real estate and tangible personal property having been removed with the exception of one mill on the dollar for the public free school funds of the State, as hereinbefore stated, cities, counties, and towns are authorized to increase by 25 cents on the \$100.00 the maximum tax heretofore permitted to be levied against real estate and tangible personal property; this to include all such property when owned by individuals, in private or fiduciary capacity, mercantile firms, railroad and canal companies, and all other corporations, and every other interest, except as expressly exempted. See pp. 141-4. Acts Extra Session 1915, pp. 119, 146, 124, 197.

Intangible Personal Property, Shares of Stock in Banks, Banking Associations, Trust and Security Companies, etc., etc.—

Cities are now restricted to a levy of 30 cents on the \$100.00 of assessed value of intangible personal property described in sub-secs. 1, 2, 3, 4, 5 & 7 on pp. 133-4; to \$1.15 on shares of stock in banks and banking associations, trust and security companies, and are permitted to levy no tax on money, incomes, municipal or State bonds, rolling stock of railroads operated by steam, and to charge no license to insurance companies, or to companies operating dining, sleeping, or palace cars over the tracks of the railroad companies operating in the State. Acts Extra Session 1915, pp. 49, 106, 112, 113, 119, 153, 160, 209.

In the counties the tax on intangible personal property described in sub-secs. 1, 2, 3, 4, 5 & 7 on pp. 133-4 is limited to 30 cents on the \$100.00 for district road purposes, to be used exclusively for the construction and repair of public roads and bridges located in the district in which the levy is made. Acts Extra Session 1915, p. 160.

The shares of stock of banks, banking associations, trust and security companies, located in incorporated towns, are subject to a local levy of but 40 cents on the \$100.00, to be expended by the supervisors only in those districts wherein such bank or banks are located. Acts Extra Session 1915, p. 209.

Tax on Capital of Merchants and License Tax on Merchants, Mercantile Firms or Corporations—

There may be no State tax levied on the capital of merchants, which is subject only to local taxation; and cities and towns are not restricted from imposing a license tax on merchants, mercantile firms or corporations, based on their purchases or otherwise, in pursuance of their respective charters or general laws of the State for the government of towns and cities. Acts Extra Session 1915, pp. 119, 160.

**PROPERTY EXEMPT FROM ALL STATE AND
LOCAL TAXATION**

Real Estate—

The following real estate, and no other, shall be exempt from taxation, State and local:

(a) Real estate directly or indirectly owned by the State, however held, and real estate lawfully owned and held by counties, cities, towns, or school districts, used wholly and exclusively for county, city, town, or public school purposes.

(b) Buildings, with land they actually occupy, lawfully owned and held by churches or religious bodies and wholly and exclusively used for religious worship, or for the residence of the minister of any such church or religious body, together with the additional adjacent land reasonably necessary for the convenient use of any such building.

(c) Private family burying-grounds not exceeding one acre in area, reserved as such by will or deed, or shown by other sufficient evidence to be reserved as such and so exclusively used, and public burying-grounds, and lots therein exclusively used

for burial purposes and not conducted for profit, whether owned or managed by local authorities or by private corporations.

(d) Buildings, with the land they actually occupy, wholly devoted to educational purposes, belonging to and actually and exclusively occupied and used by churches, public libraries, incorporated colleges, academies, industrial schools, seminaries, or other incorporated institutions of learning, including the Virginia Historical Society, which are not corporations having shares of stock or otherwise owned by individuals or other corporations, together with such additional adjacent land owned by said churches, libraries, and educational institutions as may be reasonably necessary for the convenient use of such buildings, respectively; and also the buildings thereon used as residences by the officers or instructors of such educational institutions: provided, that such libraries and educational institutions are not conducted for profit of any person or persons, natural or corporate, directly or under any guise or pretense whatsoever. But the exemption mentioned in this sub-section shall not apply to any industrial school, individual or corporate, not the property of the State, which does work for compensation or manufactures and sells articles in the community in which such school is located: provided, that nothing herein contained shall restrict any such school from doing work for or selling its own products or any other articles to any of its students or employees.

(e) Real estate belonging to, actually and exclusively occupied and used by Young Men's Christian Associations and other similar religious associations, orphan or other asylums, reformatories, hospitals, and nunneries, which are not conducted for profit, but purely and completely as charities.

(f) Buildings, with the land they actually occupy, belonging to any benevolent or charitable association and used exclusively for lodge purposes or meeting rooms by such association, together with such additional adjacent land as may be necessary for the conveneint use of the buildings for such purposes; and

(g) Real estate belonging to the Association for the Preservation of Virginia Antiquities, the Confederate Memorial Literary Society, and the Mount Vernon Ladies' Association of the Union.

No inheritance tax shall be charged, directly or indirectly, against any legacy or devise made according to law for the bene-

fit of any institution or other body or any natural or corporate person whose property is exempt from taxation as mentioned in this chapter.

Nothing contained in this chapter shall be construed to exempt from taxation the property of any person, firm, association, or corporation who shall, expressly or impliedly, directly or indirectly, contract or promise to pay any sum of money or other benefit on account of death, sickness, or accident to any of its members or any other persons; and whenever any building or land, or part thereof, mentioned in this section and not belonging to the State shall be leased or shall be a source of revenue or profit, all of such buildings and land shall be liable to taxation as other land and buildings in the same county, city, or town; and nothing herein contained shall be construed as authorizing or requiring any county, city, or town to tax for county, city, or town purposes, in violation of the rights of the lessees thereof existing under any lawful contract heretofore made, any real estate owned by such county, city, or town, and heretofore leased by it. Code, § 457.

Personal Property—Tangible and Intangible—

The following personal property, and no other, shall be exempt from taxation, State and local:

(a) Property directly or indirectly owned by the State, however held, and property lawfully owned and held by counties, cities, towns, or school districts used wholly and exclusively for county, city, town, or public school purposes, and obligations issued by the State since the fourteenth day of February, eighteen hundred and eighty-two, or hereafter exempted by law.

(b) The furniture and furnishings of buildings lawfully owned and held by churches or religious bodies and wholly and exclusively used for religious worship or for the residence of ministers of any such church or religious body.

(c) The furniture, furnishings, books, and instruments contained in buildings wholly devoted to educational purposes, belonging to, and actually and exclusively used by churches, public libraries, incorporated colleges, academies, industrial schools, seminaries, or other incorporated institutions of learning, including the Virginia Historical Society, which are not corporations having shares of stock or otherwise owned by individuals or other corporations, and also the permanent endow-

ment funds held by such libraries and educational institutions, directly or in trust and not invested in real estate; provided, that such libraries and educational institutions are not conducted for profit of any person or persons, natural or corporate, directly or under any guise or pretense whatsoever. But the exemption mentioned in this sub-section shall not apply to any industrial school, individual or corporate, not the property of the State, which does work for compensation or manufactures and sells articles in the community in which such school is located: provided, that nothing herein contained shall restrict any such school from doing work for or selling its own products or any other articles to any of its students or employees.

(d) Personal property, including endowment funds, not invested in real estate, belonging to Young Men's Christian Associations and other similar religious associations, orphan or other asylums, reformatories, hospitals, and nunneries, which are not conducted for profit, but purely and completely for charities.

(e) The furniture and furnishings of buildings belonging to any benevolent or charitable association and used exclusively for lodge purposes or meeting rooms by such association.

(f) Personal property belonging to the Association for the Preservation of Virginia Antiquities, the Confederate Memorial Literary Society, and the Mount Vernon Ladies' Association of the Union. Code, § 488.

Under constitutional restriction of its powers, the General Assembly has no authority to impose any tax upon property lawfully owned and held by counties, cities, towns, or school districts, used wholly and exclusively for county, city, town, or public school purposes, and obligations issued by the State since February 14, 1882, or hereafter exempted by law. Const., § 183a.

CHAPTER X

FUNDS FOR EDUCATION DERIVED FROM GLEBE LANDS
AND CHURCH PROPERTY, AND FROM GIFTS, GRANTS,
DEVISES, AND BEQUESTS

Glebe Lands and Church Property

The Act of January 12, 1802, "concerning the glebe lands and churches within this Commonwealth," provides that "Whereas the general assembly on the twenty-fourth day of January, one thousand seven hundred and ninety-nine, by their act of that date, repealed all laws relative to the late protestant episcopal church, and declared a true exposition of the principles of the bill of rights and constitution respecting the same, to be contained in the act entitled '*An act for establishing religious freedom*,' thereby recognizing the principle that all property formerly belonging to said church, of every description, devolved on the good people of this commonwealth on the dissolution of the British government here, in the same degree in which the right and interest of the said church was derived therein from them. And although the general assembly possesses the right of authorizing a sale of all such property indiscriminately; yet being desirous to reconcile all the good people of this commonwealth, it is deemed inexpedient at this time to disturb the possession of the present incumbents."

It was therefore enacted that the overseers of the poor in each county wherein any glebe land was vacant, or should become so by the death or removal of any incumbent, should have full power and authority, and they were by said act directed, to sell all such lands and appurtenances, and every other species of property incident thereto; the proceeds thereof to be appropriated either to the poor of such parish, or to any other purpose which a majority of the freeholders and housekeepers therein might direct, "by a writing from under their hands addressed to said overseers."

Nothing in said act was to be construed as authorizing an appropriation to any religious purpose whatsoever; nor as af-

fecting a sale of the churches, and the property therein contained, or the church yards, or in any other manner, any private donation made prior to the 1st day of January, 1777, for church and other purposes, where there was any person in being entitled to take the same under any private donor; nor to affect property of any kind acquired by private donations or subscriptions by said church after the said last-mentioned date. Act January 12, 1802, Statutes at Large (New Series), Vol. II, p. 314.

According to the spirit of the Act of January 12, 1802, no glebe land was to be considered vacant, and as such liable to be sold and taken possession of by the overseers of the poor, if there was any minister who in behalf of the Protestant Episcopal Church had been in possession and was the incumbent thereof on that day. *Claughton, et al., v. McNaughton*, 2 Munford 513.

The majority of the qualified voters of a county entitled to vote therein for a delegate to the General Assembly may, by election duly held, appropriate to any purpose, other than religious, any glebe lands or churches, or the proceeds thereof, which have not been applied to some particular object under a local statute passed for the purpose, held by the overseers of the poor under Act of January 12, 1802, or under any other act. Code, § 1396.

All glebe lands and church property appropriated under said § 1396 for education in any county, corporation, or school district, vest in the school board thereof, and when given to a school district, vest in its school trustees as a corporate body, to be managed and applied by them according to the wishes of the donor, under regulations prescribed by the county or city school board; the revenue therefrom must be applied subject to the same penalties and under the same regulations as are prescribed in respect to that portion of the literary fund allotted, to such county, corporation, or school district. Code, §§ 1419, 1447, p. 109.

Validity of Gifts, Grants, Devises, and Bequests for Purposes of Education

By Act of April 2, 1839 (p. 11), the General Assembly authorized the making of devises and bequests for the establishment or endowment of *unincorporated* schools, academies, and colleges for the education of free white persons, and prescribed the mode of enforcing such trusts, but, by § 7, provided that

the said act should not be so construed as to give validity to any devise or bequest to a theological seminary.

By the sixth section of Act of March 10, 1841 (p. 52), the General Assembly further authorized any person (by gift in his lifetime, or by last will and testament) to give property to the president and directors of the literary fund for the use of any county or incorporated city or town, or directly to such county, city, or town, and directed that the same might be taken and held by said officers of the literary fund, or by the county or corporation courts, as the case might be, "to be disposed of in manner and form, to all intents and purposes, as such testator or testatrix may have prescribed," providing, however, that all such gifts or devises should be restricted to literary or educational purposes, but making no mention of theological seminaries.

The chief object of the said act was to give effect to Martin Dawson's will, devising the balance of his estate for purposes of education in Albemarle and Nelson Counties. See *Literary Fund v. Dawson, et al.*, 10 Leigh 153.

Upon the revision of the laws in 1849, these two acts were combined and digested, and constitute Chapter 80 of the Code of 1849.

By Act of March 28, 1873 (p. 243), § 2 of Chapter 80 of the Code of 1849 was amended so as to extend its benefits to colored persons.

The above provisions are now incorporated into Chapter 65 of Pollard's Code of 1904, and § 1420 of that chapter was amended by Act of March 24, 1914, so as to cover gifts for charitable purposes. That section as it now stands is as follows, the changes by the last amendment indicated by italics:

"Section 1420. Every gift, grant, devise, or bequest which, since the 2d day of April, 1839, has been, or at any time hereafter shall be, made for literary purposes, or for the education of white persons within this State, and every gift, grant, devise, or bequest which since the 10th day of April, 1865, has been, or at any time hereafter shall be, made for literary purposes, or for the education of colored persons within this State, *and every gift, grant, devise, or bequest hereafter made for charitable purposes*, whether made in *any* case to a body corporate or unincorporated, or to a natural person, shall be as valid as if made to or for the benefit of a certain natural person, except such devises or bequests, if any, as have failed or become void by

virtue of the 7th clause of the act of assembly passed on the 2d day of April, 1839, entitled an act concerning devises made to schools, academies, and colleges. Nothing in this section shall be so construed as to give validity to any devise or bequest to or for the use of any unincorporated theological seminary."

When such gift, grant, devise, or bequest is to the State Board of Education, or any other corporation, or any county or natural person, the subject must be taken and held by them respectively; or when no trustee has been appointed, or the trustee dies or refuses to act, the court having jurisdiction, may, on the motion of the attorney for the Commonwealth, appoint one or more trustees to execute the trust. In either case, the subject of the trust must be taken and held for the uses prescribed by the donor, grantor, or testator, or, in any particular case, by any law passed since said Act of April 2, 1839; and the trustees may sue and be sued in the same manner as if they were trustees for the benefit of a certain natural person. Where there is no other party capable of prosecuting such suit, for the execution of such a trust, a suit may be maintained in the name of the Commonwealth.

It is the duty of the attorney for the Commonwealth to institute all necessary proceedings, to have admitted to record any will creating such a trust, and to make the motion for the appointment of trustees as above provided. For his services the court may allow reasonable fees to be paid him out of the trust subject. Code, §§ 1421-22-23-24.

The General Assembly reserves the right to suspend or repeal, at any time, the authority given by said § 1420; but in that event provision must be made whereby such devise or bequest will vest in whomsoever would have been entitled thereto had the devise or bequest not been made. Code, § 1426.

Gifts, Devises, and Bequests to Corporations

Corporate powers embrace the power to take and hold real and personal property, including such as may be derived by gift, devise, or bequest. Code, § 1105e (2-d).

See pp. 39-41, 75-89, ante, for formation of school boards, and boards of visitors or trustees of institutions educational in character, as corporate bodies.

Donations in School Districts

Any real or personal property, given, devised, or bequeathed to any school board, in county or city, vests in, and must be managed and controlled by, such board in accordance with the wishes of the donor or testator.

In case of any change in the boundaries of a district, it becomes the duty of the county school board to make provision for continuing the fulfillment of the purpose of the donor or testator. Code, §§ 1447, 1483; p. 48.

Special Statutory Provisions Concerning Donations to State Institutions of Learning

University of Virginia—

Any person may deposit, or grant or bequeath to be deposited, in the State treasury, property, or the proceeds of its sale, in sums of not less than \$100.00, for the benefit of the University, to be invested in bonds of Virginia or the United States, or of any other State of the Union. In such case, the interest, or dividends therefrom, must be paid to the rector and visitors, to be used for the general purposes of the University, unless some particular object is designated by the donor. Code, § 1557.

If some particular object is designated at the time of such deposit, by writing filed with the State treasurer (which may be recorded as a deed conveying land is recorded), or in the will of the testator, the income arising from such fund must then be appropriated to the purpose so designated, and to none other; or, if the donor or testator so direct, the income may be re-invested by the State treasurer from time to time for such period as the donor may have prescribed, not exceeding thirty years. At the expiration of the prescribed period, or of thirty years, whichever happens first, the fund with its accumulations must be paid over to the rector and visitors of the University, or the income therefrom, as the donor may have directed, to be employed as directed by the donor, and not otherwise. And the rector and visitors must render accounts thereof to each session of the General Assembly. Code, § 1558.

Such donations are irrevocable by the donor or his representatives; but the authorities of the University, within one year after being notified thereof by the State treasurer, may give him notice that they decline to receive the benefit of such deposit, and the same, with all accretions, must in such case

be thereafter held subject to the order of the donor or his legal representatives; or, if at any time the object for which the donation was intended fail, so that its purpose is permanently frustrated, the unexpended principal and interest shall revert to and be vested in the donor or his legal representative. It is the duty of the State treasurer to give notice to the University authorities immediately upon such deposit being made. Code, § 1559.

Should a donor reserve to himself or to any other person the power to nominate to any professorship, scholarship, or other place or appointment in the University, or do any other act connected therewith, and thereafter fail at any time for as long as six months to make such nomination in writing, the board of visitors may, at its discretion, proceed to make it. Code, § 1560.

Coördinate College for Women of the University of Virginia—

In contemplation of the establishment of such an institution, authority was given to the city of Charlottesville, and the county of Albemarle, each, to donate \$25,000.00 toward a site for the proposed college. Acts 1914, pp. 677, 678; p. 168.

Virginia Polytechnic Institute—

It is lawful for the board of visitors of the V. P. I. to accept subscriptions from any county made under the Act of March 21, 1872 (p. 338), authorizing subscriptions in aid of the said institute; and also to accept the donation of any individual in aid of its purposes and objects.

Such donations must be held by the said board in trust for the benefit of the institution, but upon condition that the same shall revert to the several donors or subscribers, *pari passu*, if at any time the State of Virginia withdraws from the use of the V. P. I. the interest accruing on the proceeds of the land scrip, as provided by §§ 1586, 1607. Code, § 1601.

Virginia Normal and Industrial Institute—

Any person may deposit in the treasury of the State, or bequeath money, stocks, or bonds to be deposited, or grant, devise, or bequeath property, real or personal, to be sold, and the proceeds so deposited, for the benefit of the Virginia Normal and Industrial Institute. Such property must be invested as the donor may indicate, or the board of visitors may see proper, and the interest or dividends accruing thereon must be placed to the credit of the treasurer of the institute, on the order of the

board of visitors, to be used for the purposes thereof, unless some particular appropriation be designated by the donor or testator; in which case such particular use or appropriation must be respected. Code, § 1613(13).

The Virginia State School for Colored Deaf and Blind Children—

The board of visitors of the Virginia State School for Colored Deaf and Blind Children is capable in law and in trust for the institution of receiving donations, real and personal, as well from bodies corporate and persons associated as from private individuals.

Acts 1906, p. 248, Supplement 1910, p. 656.

Scholarships in Colleges—

The board of visitors of the University of Virginia, the trustees of the Washington and Lee University, the board of visitors of the Virginia Military Institute, and the corporate authorities of all colleges in the State may establish scholarships in their respective institutions, under such regulations as they may prescribe. Code, § 1642.

The society of alumni of any such institution may provide for and maintain a scholarship therein, by annual contributions, under such regulations as may be prescribed by the corporate authorities. Code, § 1646.

Whenever any person gives, devises, or bequeaths property to be deposited in the State treasury for the benefit of such an institution to such an amount that the interest thereon will be sufficient to educate and maintain therein one or more cadets or students, the said fund must be invested in State bonds in the name, and for the benefit, of said institution. Code, § 1643.

Such donations must be irrevocable, but the donor or his heirs shall have the right to nominate and place in such institution one or more cadets or students, according to the regulations above. Code, § 1644. But if for one year they fail to make a nomination, the corporate authorities may appropriate the income from the said fund to the education and maintenance of indigent cadets or students to be selected by them from the State at large. Code, § 1645.

The State Library—

The board of directors of the State library is authorized to acquire by gift, as well as by purchase, exchange, or loan, books,

maps, portraits and relics pertaining to the history of the State and her citizens, and to science, literature and law. Code, § 254.

Public Free Libraries in Cities and Towns—

Any person desiring to make donations of money, personal property, or real estate for the benefit of a public free library incorporated in a city or town under the provisions of § 1043a (p. 99) has the right to vest the title to the money or real estate so donated in the board of directors, by its proper legal designation, created under this act, to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise, or bequest of such property, and as to such property the said board shall be considered as special trustees. Code, § 1043a.

CHAPTER XI

REAL ESTATE AND PERSONAL PROPERTY HELD FOR
THE BENEFIT OF THE PUBLIC FREE SCHOOL
SYSTEM AND STATE INSTITUTIONS EDUCATIONAL
IN CHARACTER**Public Free School Houses, Grounds, Furniture, and Appliances**

It is the duty of district school boards to provide suitable school houses, with proper furniture and appliances, in accordance with § 1433(6) of the Code, and to care for, manage and control the school property of the district. For these purposes they may lease, purchase or build such houses according to the exigencies of their respective districts and the means at their disposal. Code, §§ 1466(9), 1538(10).

Section 1433(6) empowers the State Board of Education to "select" text books and educational appliances for use in the public schools of the State.

In the case of *Commonwealth v. School Board*, 109 Va., 346, which went up from Norfolk, the Supreme Court, in construing §§ 1433(6), 1466(9), and 1538(10) of the Code in connection with § 136, and other sections, of the Constitution, held § 1433(6) valid and not in conflict with §§ 1466(9) and 1538(10), which give to school boards the power and duty of "providing" school furniture, etc.

Specifications for Public Free School Buildings—

No school house may be contracted for, or erected, until the site, location, plans, and specifications therefor have been submitted to, and approved in writing by the division superintendent of schools, whose action in such cases must be reported by him to the State Board of Education. Code, § 1489.

No plans for school buildings or additions thereto may be approved by the State Board of Inspectors for public school buildings unless they provide at least 15 sq. ft. of floor space and 200 cu. ft. of air space for each pupil to be accommodated in each study or recitation room therein; nor unless provision is made therein for at least 30 cu. ft. of pure air every minute per pupil, and the facilities for exhausting the foul and vitiated air therein are positive and independent of atmospheric changes.

All ceiling must be at least 12 feet high.

All stairways must be constructed with straight runs, changes in direction to be made by platforms; and all halls, doors, stairways, seats, passageways and aisles, and all lighting and heating appliances and apparatus must be so arranged as to make egress easy and to provide protection in cases of fire or accident. All exit doors in school houses of two or more stories must open outwardly, and no door may open immediately upon a flight of stairs, but a landing at least the width of the door must be provided between the stairs and the doorway.

All school houses must provide for light from the left, or left and rear, of pupils, and the total light area must be 25% of the floor space.

At least two suitable closets, or outhouses, must be provided for every public school, and kept in a clean and wholesome condition. If erected within the building they must be suitable, convenient, and sanitary water closets. Outside closets must be entirely separated from each other and have separate means of access. Acts 1908, p. 266, Supplement 1910, p. 758. See Appendix, pp. 259-61, for Rules of State Board of Health.

Fire Escapes.—All school houses over three stories high must provide for a safe exit in case of fire, by the erection or construction of fire escapes of the most approved modern design, to be selected by the council in cities, and the board of supervisors in counties, under penalty upon owner and council or supervisors for failure to comply. Code, § 1067a.

Officers and teachers may not have pecuniary interest in school property.—No member of the State Board of Education, or any other school officer or teacher may have any pecuniary interest, directly or indirectly, in any contract for building a public free school house, nor in furnishing the materials, equipment, furnishings or appliances, labor, goods, wares or merchandise of any kind, or in supplying books, maps, school furniture or apparatus used in the public schools, or receive, directly or indirectly, any profit or emolument from any contract of sale for school purposes, except their respective contracts of employment, under penalty of removal from position and a fine of not less than \$10.00 nor more than \$500.00. Except that the State Board of Education may, in its discretion, make specific arrangements whereby a school officer or teacher may enjoy the benefits and proceeds from any book, map, furniture or ap-

pliance or apparatus of which he is the author or inventor, and that merchants in the regular course of trade may sell, without soliciting personally or through agents, the adopted books, or other supplies used in public schools or by the pupils. Code, § 1472.

Sanitation and Disinfection—

The State Board of Health is empowered by Act of Assembly to make and enforce reasonable rules and regulations from time to time, providing for the thorough sanitation and disinfection of all school buildings. Violations of any rule of said board made in pursuance of said act are punishable as misdemeanors. Acts 1910, p. 269, Supplement 1910, p. 905.

Condemnation of Unsuitable Buildings—

No public school may be allowed in any building which is not in such condition and provided with such conveniences as are required by a due regard to decency and health; and when a school house appears to a division superintendent of schools to be unfit for occupancy, it is his duty to condemn it, and to immediately give notice thereof in writing to the chairman of the district school board. Thenceforth until the division superintendent shall certify in writing to the school board that he is satisfied with the condition of the building and its appliances no public school may be held therein, nor any part of the State or local funds applied to support any school in such house. Code, §§ 1489, 1538.

Purchase of Real Estate by School Boards—

All contracts for the purchase of real estate by school boards must be in writing, and no such contract is valid until the title has been examined and approved by a competent and discreet attorney-at-law, designated by the judge of the circuit court for the circuit wherein the real estate is located, to whom reasonable compensation, fixed by the said court, must be paid by the school board making the purchase. Such attorney's written approval of the title must be recorded in the clerk's office along with the deed or other papers conveying title. If he refuses to approve the title, his written disapproval must be filed with the clerk of the court.

Right of appeal from his decision to the circuit court, or the judge in vacation, lies with the board of supervisors, or any

three citizens of the county, who may of right further appeal from the decision of the lower court to the Court of Appeals. Code, §§ 824, 1488.

Condemnation of Property for Purposes of Education—

If, in the judgment of a district school board, the public interests demand that a school house be located on a particular spot, and no equitable arrangements for its purchase prove practicable, the board has the power and duty, under the laws relating to the exercise of the right of eminent domain, of acquiring, after proper survey and plat, land not exceeding one acre in town or five acres in the country; provided that, except by consent of owner, no dwelling, yard, garden or orchard be invaded, nor in the country, space within 200 yards of a mansion house. Code, § 1488.

If the court, or the board of supervisors of any county, the council of any city or town, the trustees of any school district, the Institution for the Deaf and Blind, any of the State hospitals, the University of Virginia, the Virginia Military Institute, or other institution of the State, cannot agree on the terms of purchase with those entitled to any land necessary to be taken and used for the purposes of such county, city, or town, or school district, or of any of said institutions, because of the incapacity of the owner or inability to agree with him upon price or terms, or because he cannot with reasonable diligence be found in this State, or is unknown, they, or any of them, may acquire the same by condemnation proceedings. The term "land" is meant to include all dwelling houses, buildings, or structures thereon, and any sand, earth, gravel, water, or other material necessary to be used as aforesaid. Code, § 1105f(25).

A State institution may condemn a dwelling in the exercise of its right of eminent domain. *School Board v. Berger*, 114 Va., 491, 16 Va. Law Register, 735, 19 Va. Law Register, 228 and notes. See Code, §§ 1546, 1547 (U. Va.), 1585 (V. M. I.).

Except by consent of the General Assembly, lands belonging to, or attached to the site, or used for the purposes of, any university, college or other seminary of learning, owned or controlled by the State, are not subject to condemnation. Code, § 1105f(24). See p. 102.

Title to Property held for Public Free Schools

Title to all school property, both real and personal, vests in the county, district, or city school boards; except that in cities it may, by mutual consent of council and school board, vest in the municipality. Code, §§ 1447, 1482, 1525. See also § 1538(15).

The following real and personal property vests in the county or district school board of any county or district entitled to the benefits thereof, unless inconsistent with the grant or devise, upon such terms and conditions for the security of the same as the circuit court of the county may prescribe:

(a) Property held by individuals by virtue of their office of school commissioner or overseers of the poor of any of the counties of this Commonwealth, except the county of Loudoun, under any act heretofore passed by the General Assembly of Virginia, acquired or derived from the sale of glebe lands, or from any other source formerly belonging to any of the said counties, and applicable to school purposes.

(b) Such property in any of the said counties as belonged to the former board of the literary fund, together with any other funds or property which had in any manner been set apart for school purposes, but which has been practically abandoned or is without trustees.

(c) Any funds or property that may be hereafter set apart solely for county school purposes, and all donations by will, deed, or other conveyances, heretofore or hereafter made for county or district school purposes, the lot and school building and all the real and personal property acquired for the use of a county or district high school, or for the maintenance thereof.

When not inconsistent with the terms of the grant or devise, it is the duty of the school board in charge to invest and manage the said property, and apply the profits thereof for the purpose of education in the same manner and under the same restrictions as the general school fund of the State is applied under the general school law; except that any such school board is authorized to apply such portions of the profits of the funds as in its judgment may be necessary, to the erection of school houses, or to the purchase of school apparatus, for the use of the schools of the county. If such fund does not exceed in amount the sum of \$2,000.00, the said board may, if deemed

expedient by it, use a part, or the whole, in the erection of school houses in the county or district, or in paying any debt incurred by said board in the erection of school houses; provided such disposition is not in conflict with the will of the grantor or testator.

In cases where donations or other funds have been set apart for the education of the poor, the county school board is authorized to receive and apply the same in connection with the public free schools in obedience to the will of the donor.

Nothing in this law contained may be construed to apply to the 25th clause of the will of Samuel Miller, or in any wise to affect or impair any rights or interest whatsoever, either public or private, arising under said clause, or to any fund now held by the Charlottesville district school board of Albemarle County, known as district number five.

Code, § 1447, as amended March 14, 1908. See p. 48, and §§ 887, 888, 1425, 1649, 1650, 1650a of the Code.

Joint Ownership of School Property by Adjacent Districts—

School boards of adjacent districts have power, subject to consent obtained from the State Board of Education, to purchase, take, hold, and convey school property, both real and personal, in either district, for joint schools, the title thereto to vest in the school boards jointly. Acts 1914, p. 278, Biennial 1914, p. 426.

Sale or Exchange of Public Free School Property

If the sale or exchange of any school property is adjudged desirable by any county, district, or city school board, it may petition the court having jurisdiction, or its judge in vacation, for leave to so dispose of it, and upon evidence produced that the sale or exchange is a proper one, the court, or the judge in vacation, must make such order as may be proper, providing therefor. The sale of such property must be by way of public auction to the highest bidder, after due notice of the time and place of sale, made known by posting notices in the school district or city in which it is located, and the court must make order for the proper use or investment of the proceeds of any such sale so made, and such order as to the costs of sale as, in its discretion, may be proper. The deed to district school property,

sold or exchanged, is made by the district school trustees. Code, § 1466a. See § 1447.

In *Jefferson v. School Board*, 113 Va., 266, 74 S. E., 164, the Supreme Court held that the court may require the trustees to report their proceedings to the court in order that it may determine whether the sale has been made in obedience to the provisions of the law; and confirmation of the sale may be refused upon a unanimous report of the trustees that the property has not brought a fair price.

Where, in the extension of the corporate limits of a city, compensation is allowed for any school house or houses, the district school board of the district from which the territory was taken has authority to use the compensation so allowed for acquiring lands for public school buildings, and for the erection and equipment of other school buildings. Code, § 1014a.

Bond Issues and Loans for School Building

See pp. 162-6.

School Buildings as Social Centres

“When a responsible resident citizen of any school district may apply to any school trustee of said district for the use of a school house, to be used when the school is not in session in term time, or in vacation, by any lawful assembly of educational, agricultural, civic or social bodies, organizations, or gatherings, the said trustee may grant the use of said building; and if said trustee refuse the use of the same, he shall state his decision in writing, and, if a demand, signed by five freeholders of said district, be then presented to the chairman of said district school board, the said chairman shall promptly call a meeting of the district school board to consider the request for the use of said building and whether the use thereof shall be granted to said freeholders, who shall be responsible for the use and care of said school property and of avoidable damages and the return of the key to the teacher of the said district, if school be in term, or to the trustee of said district in vacation. An appeal of right shall lie from the the decision of the district school board to the school trustee electoral board of the county in which the school house is located, the decision of the said last-named board to be final.” Acts 1914, p. 255, Biennial 1914, p. 422.

Quere: To whom may appeal be made from the decision of a city school board?

Employment of Counsel to Protect Property

County, district, and city school boards have authority to employ counsel and provide for and direct the payment of attorneys' fees whenever necessary for the protection of the public schools of the county, or any school district, from loss or detriment from any cause, but no such fee may be allowed or paid until approved by the court in which the litigation is had. Code, § 1447.

Property of State Institutions Educational in Character

It is the duty of boards of visitors to care for and preserve the property belonging to their respective State institutions. Code, §§ 1546 (U. Va.), 1567, 1583 (V. M. I.), 1596 (V. P. I.); Acts 1906, p. 94, Supplement 1910, p. 573 (W. & M. C.); Acts 1914, p. 567, Biennial 1914, p. 461 (Va. Normal School Board), § 1613 (V. N. & I. I.).

No person who is a member of the board of visitors of any State institution, or a trustee of any public trust or fund, or a salaried officer, employee or agent of either, may make, or be interested in, any contract with such institution, or with the governing authority of such public trust or fund, in any manner or form, for furnishing supplies, or for performing any work for said institution or for said governing authority of said trust or fund.

Any person violating the provisions of this section is subject to a fine not exceeding \$500.00. Code, § 1647.

Property Register—

The chief officers of every State institution are required to keep a book in which they must cause to be registered all the property of the State at their respective institutions, with a careful description thereof, for the information of their boards of visitors, or trustees, and others interested. Penalty for failure to obey this law is a fine of \$50.00. Code, § 1648.

Powers of Eminent Domain—

See pp. 102, 156, ante.

University of Virginia—

Note to § 1541 of the Code: The University of Virginia, though controlled by a corporation, is a public institution. Its grounds and buildings are the property of the State, used for public purposes. *Philip v. U. Va.*, 97 Va., 475.

Virginia Military Institute—

The arsenal and all its grounds and buildings shall be considered as belonging to the institute. Code, § 1567.

Virginia Agricultural and Mechanical College and Polytechnic Institute—

If at any time the land-grant annuity is withdrawn from this institution by the General Assembly, the real and personal property conveyed and appropriated to its use and benefit by the trustees of "Preston & Olin Institute" and by the county of Montgomery will, under the terms of the grants, revert to said trustees and to the county, respectively, from which it was conveyed and appropriated. Code, § 1588. See Acts March 19, 1872 (p. 312), giving conditions upon which the annuity was granted. Donations and subscriptions made to said college at any time must be held by the board of visitors in trust for the benefit of the college upon condition that they revert to the donors or subscribers if at any time the said annuity is withdrawn. Code, § 1601.

CHAPTER XII

LOANS AND BONDS ISSUES IN AID OF THE PUBLIC
FREE SCHOOL SYSTEM AND STATE INSTITUTIONS
OF LEARNING

**Constitutional Limitation of the Power of a City or Town to Incur
Indebtedness**

No city or town may issue bonds, or other interest-bearing obligations to an amount which, including existing indebtedness, exceeds 18% of the latest assessed valuation of the real estate therein subject to taxation; provided, however, that this provision shall not apply to cities and towns whose charters existing at the time of the adoption of the Constitution of 1902 authorize a larger percentage of indebtedness, and provided further that in determining the limitation of power to incur indebtedness the following classes of obligations shall not be included:

(a) Unmatured obligations, issued in anticipation of the collection of the current year's revenues in an amount not exceeding the annual revenue of such city or town, and falling due within one year from their date of issue.

(b) Bonds issued by authority of an ordinance enacted by the council of a city or town under § 123 of the Constitution, and approved by the affirmative vote of a majority of the qualified voters therein, cast at a general or special election, on the question of the issuance of bonds to provide a water supply, or other specific undertaking, from which the municipality may derive a revenue; provided that in cases where such undertaking fails after a period (to be determined by the council, but not to exceed five years) to produce sufficient revenue to pay the costs of operation and administration and provide an adequate sinking fund, said obligations may not be included in determining the limitation of power to incur indebtedness, unless the principal and interest of the bonds be made payable exclusively from the receipts of the undertaking.

Const., § 127.

Power of Towns to Issue Bonds for School Improvement

Any town in Virginia may, for the purpose of providing for the erection or improvement of school buildings, submit to the qualified voters thereof (in the manner prescribed by law entitled "An act to provide for holding elections in towns upon questions of bond issue," passed April 27, 1903, and amended November 25, 1903) the question of such bond issue. Upon an affirmative vote the town may borrow, upon the faith and credit of its property, a sum or sums not to exceed in the aggregate 18% of the assessed value of its real estate subject to taxation, as shown by the last assessment and issue bonds therefor; provided such bonds be not sold for less than par and bear interest at a rate not exceeding 6%, and are to become due and payable within 35 years from date. The council of the town is required to make proper provision for the payment of the annual interest and for a sinking fund for the redemption of the said bonds at maturity. The interest coupons shall be receivable for town taxes. Acts 1906, p. 235, Supplement 1910, p. 651.

Loans from County School Boards to School Districts

Any county school board possessed of funds derived by gift or devise may lend therefrom to school districts, within its county, sums not exceeding \$1,000.00 for any one school building, taking care that, according to school population, no district receives advantage over another. The county board must take the district school board's obligation for the amount so borrowed. Acts 1908, p. 335, Supplement 1910, p. 788.

Loans from the Literary Fund to School Districts and Cities

The State Board of Education is authorized, under rules and regulations fixed by it, to lend money belonging to the literary fund to school boards of school districts and cities of the State, upon their application, for the purpose of erecting school houses, and the said school boards are authorized to make such loans.

Any school board desiring to make such a loan is required to make written application therefor to the State Board of Education, setting forth the amount of the desired loan, the plans and specifications for the proposed building, its location and estimated cost, and all facts showing the advisability of erecting it.

Upon approval, by the superintendent of public instruction, of the plans and specifications and location of the building, and his recommendation that the loan be made, the State Board of Education may, in its discretion, lend the money from the literary fund; provided, no such loan for one building exceed \$10,000.00, nor, in any event, fifty per centum of its cost, and no loan be made in aid of the erection of a building to cost less than \$250.00.

The principal of all such loans must be made payable in fifteen annual installments, to the State treasurer, evidenced by bonds or notes signed by the chairman of the school board and attested by the clerk.

Where the amount does not exceed \$3,000.00 the bonds bear interest at 3% per annum, payable annually, but the larger loans bear interest at 4% per annum on all sums in excess of \$3,000.00. In the latter case the buildings must be insured for the benefit of the literary fund and a specific lien retained upon the property; and the State Board of Education must make no loan in any case where, in its judgment, the payment thereof would entail too heavy a charge upon the local revenues of the school board of the district.

Before making such loan the State Board of Education must be satisfied that the district board has a good title to the real estate upon which the building is to be erected, and that the same is free from encumbrances, and must take proper measures to secure the expenditure of the money for the purposes for which it is loaned.

School boards making such loans must request the board of supervisors, or council, as the case may be, to cause a district tax to be levied sufficient to meet this liability, and if the school board fails to meet any installment of interest or principal as it falls due, the treasurer or person having custody of the district funds must, upon receiving written notice from the second auditor or superintendent of public instruction, pay the same out of any funds in his hands belonging to said district. Failure to provide for the payment of such loan is deemed a cause for removal from office. Acts 1908, p. 106, Supplement 1910, p. 685; Acts 1914, p. 715, Biennial 1914, p. 312.

School District Bond Issues for Erecting and Furnishing School Houses

Whenever the school board of a school district in any of the counties of the State shall, by resolution duly spread upon its

minutes, declare that additional school houses are necessary to provide additional public school facilities for the children of school age in the district, and that the school funds are not sufficient to meet this need, and a statement of the facts contained in such resolution shall have been confirmed and approved by resolution of the board of county supervisors, and these resolutions of the school board and supervisors have been certified to the circuit court having jurisdiction, together with a statement of the location of the school buildings to be erected, and the plans, specifications, and estimated cost thereof, approved by the division school superintendent and the superintendent of public instruction, it is the duty of the court to order a special election to be held, after due notice, to pass upon the question whether such bonds shall be issued or not for the amount recommended by the school board.

The notice required by the court must state the amount of the bonds to be issued, the purpose of the proposed issue, and whether it shall be a lien on all the property in the district or only a part thereof, and it must be given wide publicity by the clerk of the court, through the nearest newspaper, and by posting in at least ten conspicuous points in the district.

It is the duty of the board of supervisors to attend to the details of such special election and pay the expenses thereof out of the funds of the county. The laws of the State applying to general elections are applicable to such a special election, and the election officers and voting precincts are the same, except as otherwise provided in this act.

All registered voters of the district who were qualified by law to vote in the last preceding general election are qualified to vote in such a special election, and no bonds may be issued under the provisions of this act unless authorized by a vote of the majority of the qualified voters of the district voting at the special election ordered as above.

At no time may the aggregate amount of bonds issued and outstanding in any school district exceed 17% of the aggregate assessed value of the real estate located therein.

On the second day after the election the vote must be canvassed and the results, as ascertained, certified to the board of supervisors, to be spread upon their minutes, and this being done, if no notice of contest is filed within ten days thereafter, the certificates of the canvassing board shall be conclusive of the legality, regularity, and result of said election.

Whereupon, if the result be favorable, the said district board may borrow money for the purpose of building the needed school buildings and furnishing them, issuing either registered or coupon bonds therefor. The said bonds shall be of the denomination and form prescribed by the school board, by resolution spread upon its minutes signed by its chairman and attested by its secretary, and made payable at a period not exceeding thirty years from their date, but, at the option of the school board, redeemable at such time as may be specified on their face. They shall bear interest at a rate not exceeding 6% per annum, payable annually or semi-annually at the option of the board, and may not be sold for less than their par value. They shall constitute a lien, to secure the payment of their principal and interest, upon the school property erected and procured with the proceeds of their sale, and, if so stated on their face, upon all the school property of the district.

The proceeds realized from the sale of such a bond issue may be used for no other purpose than the erection and furnishing of school buildings.

From the school levies of the district there shall be paid, as it matures, the interest on said bonds, and such sum shall annually be set aside as will provide a sinking fund for the payment of the principal when it matures; such sinking fund to be invested in the said bonds, or in such other securities as the district board may, with the approval of the division superintendent of schools, select. It is the duty of the school board to make annual report to the county board of supervisors of the amount of the debt outstanding and the amount and condition of the sinking fund. Acts 1910, p. 279, Supplement 1910, p. 687.

Bonds Issued and Loans Authorized in Aid of State Institutions of Learning

University of Virginia—

It is not lawful for the rector and visitors of the University of Virginia to issue its obligations to be secured by deed of trust on its real estate without the consent of the General Assembly previously obtained. Code, § 1556.

The grounds and buildings of the University of Virginia are the property of the State used for public purposes, and no debt thereon can be created save by special legislative enactment. *Philip v. University of Virginia*, 97 Va., 475.

The following laws remain upon the statute books of the State unrepealed in specific terms by any legislation subsequent to the issue of Pollard's Code of 1904:

Code, § 1553. "For the payment of the bonds, with the interest thereon, issued in pursuance of the act entitled 'An act to authorize the Rector and Board of Visitors of the University of Virginia to issue bonds to pay off and discharge their floating debt and maturing obligations,' approved March 28, 1871, not only the current revenue of the University, but also the property now held by the Commonwealth for the purposes of the said University, shall continue liable."

Code, § 1555. "Out of said appropriation of \$40,000.00, there shall be first set apart, annually, the sum of \$7,220 to pay the interest accruing on the existing interest-bearing debt of the University (amounting to \$79,000.00) and to constitute a sinking fund for the liquidation of the principal of the same; and the said sum of \$7,220.00 shall be applied to no other purpose or object whatever. (1883-1884, p. 543.)" (See pp. 116-7 for appropriations of recent years.)

Virginia Military Institute—

Code, § 1568. "The act entitled 'an act to authorize the Virginia Military Institute to borrow money and to secure the same by creating a lien on real estate,' approved December 19, 1874; and the 3d and 4th sections of the act entitled 'an act for the relief of the Virginia Military Institute,' approved March 15, 1884 (p. 541), shall continue in force until all the objects of the said acts shall have been fully accomplished. (1902-3-4, p. 400.)"

The 4th section of said Act of March 15, 1884, among other provisions, prohibits the board of visitors "from contracting any debt for or on behalf of the Virginia Military Institute, except as expressly authorized by this act."

This act of March 15, 1884, was passed for the relief of the V. M. I. from the embarrassment of the heavy indebtedness incurred in the effort to restore it after its destruction by fire by order of General David Hunter, United States Army, on the 12th of June, 1864. It provides for refunding earlier issues of bonds, including that authorized by said act of December 19, 1874, without disturbing their respective priorities of lien; authorizes a new issue of \$80,000.00 at a lower rate of interest, and appropriates \$40,000.00 to liquidate claims for past due interest and floating debts.

Coördinate College for Women of the University of Virginia—

By Act of March 27, 1914 (p. 677), the board of supervisors of Albemarle County was empowered to appropriate a sum not exceeding \$25,000.00 to be used toward the purchase of a site for the establishment of a women's coördinate college of the University of Virginia, and, if it deemed advisable, to call an election on the question of the issuance of bonds to provide for such appropriation.

By Act passed on the same date (p. 678) the council of the city of Charlottesville was given like authority.

CHAPTER XIII

ADMINISTRATION OF REVENUES AND PROPERTY
HELD IN THE INTEREST OF PUBLIC EDUCATION

**Annual Estimates of Local Funds Needed for the
Public Free Schools****City School Board Estimates—**

It is the duty of the school board of every city, once in each year, and oftener if deemed necessary, to submit to the council, in writing, a classified estimate of what funds will be needed for the proper maintenance and growth of the public schools of the city, and to request the council to make provision by appropriation or levy for the same. Code, § 1538(14).

District School Board Estimates—

It is the duty of the school board of every district in a county to prepare and return to the president of the county school board, on or before the 15th day of March in each year, to be laid by him before the board at its earliest meeting, an estimate of the amount of money which will be needed in the district during the next school year for providing school houses, text books for indigent children, school appliances, and other necessary expenses. Code, § 1466(8).

County School Board Estimates—

It is the duty of the county school board of each county in the State, on or before the 1st day of April in each year, to prepare and file with the division superintendent of schools an estimate of the amount of money which will be needed during the next scholastic year for the support of the public free school system of the county; and, at the same time, after carefully supervising the estimates of the district boards of trustees, submitted to the county board under the provisions of § 1466, given above, prepare and file with said superintendent separate estimates of the necessary expenses of the public free schools in each school district of the county for the next scholastic year. Code, § 1447(2).

The Levying of Taxes for the Public Free Schools

“Each county, city, town (if the same be a separate school district), and school district is authorized to raise additional sums by a tax on property, not to exceed in the aggregate five mills on the dollars in any one year. . . . The boards of supervisors of the several counties and the councils of the several cities and towns, if the same be separate school districts, shall provide for the levy and collection of such local school taxes.” Const., § 136.

It is the duty of councils of cities and towns and boards of supervisors of counties to provide for the levy of taxes for school purposes. Code, §§ 833a, 1506, 1529.

City Levies—

“The council of each city shall have power, and it shall be its duty, on or before the fourth Monday in July in each year, or as soon thereafter as practicable, to levy a tax upon the real and personal property in the city of not to exceed fifty cents on the hundred dollars of its assessed value, or the council may, in its discretion, make an appropriation in lieu of such levy.” Code, § 1529. See also Acts 1906, p. 230, sub-secs. 17 and 21, Supplement 1910, p. 644.

County and District Levies—

The county and district levies are required to be made by the supervisors of each county at the regular meeting in April of each year, or as soon thereafter as practicable, in an amount sufficient to raise the sums recommended by the county and district boards in their estimates for county and district school purposes, or so much as the supervisors may allow. Code, §§ 833a, 1506.

Collection, Apportionment, Custody, Disbursement, Reports, Settlements of the Public Free School Revenues and the Administration of Funds of State Institutions and Agencies Educational in Character

“All State officers and their deputies, assistants, or employes, charged with the collection, custody, handling, or disbursement of public funds, shall be required to give bond for the faithful performance of such duties; the amount of such bond in each case, and the manner in which security shall be furnished, to be specified and regulated by law.” Const., § 85. See also Code, §§ 177, 225-229, inc., 247, 753, 814, 815, 865. U. Va., § 1541; V. M. I., § 1570; V. P. I., § 1600; Hampton, § 1604; V. N. & I. I., § 1613 (4) (11); Retired Teachers’ Fund, Acts 1910, p. 127; State Accountant, Acts 1910, p. 243.

Collection

“Each county and city treasurer shall receive the State revenues and the county and city levies, and account for and pay over the same in the manner provided by law.” Code, § 602. See also § 1506a.

Collection of School Taxes—

All taxes imposed for public free school purposes, whether by the State or by or for any city, town, county, or school district, are collected and received at the same time and in the same manner, and subject to the same provisions, regulations, restrictions, limitations, and penalties as are prescribed for the collection of levies for other ordinary purposes, by county treasurers, and treasurers or other officers designated by a city to collect its local levies. Code, § 1515.

With reference to the public free schools of such cities and towns city and town treasurers are charged with the duties, vested with the powers of, and subject to the limitations and penalties imposed upon, treasurers in the counties, unless otherwise provided. Code, § 1522.

General Provisions and Regulations for Collecting Taxes—

State taxes and county and city levies for the current year are receivable on or before the 1st day of July, or as soon thereafter as the treasurers receive copies of the books of the commissioners of the revenue, and in the counties they are receivable from thence until the 1st of December without penalty.

After December 1st it becomes the duty of the treasurers to call upon the taxpayers for their taxes, and to collect a penalty of 5% upon all not paid before that date, and upon failure of a taxpayer to settle, to proceed to collect by process of law. Every person failing to pay any State taxes, or county and city levies by the 1st day of December, incurs this penalty of 5%, and in the cities the penalty may be added at an earlier date.

In cases where a treasurer has reason to believe that any person owing taxes or levies is about to move from the county or corporation before the 1st day of December, he is authorized to collect by distress or otherwise at any time after the tax bills come into his hands. Code, §§ 603, 603a, 605.

Collection of Retired Teachers' Fund—

See pp. 139-40, 173.

Apportionment

Apportionment of State School Funds—

It is the duty of the auditor of public accounts to pay over annually to the county and city treasurers that portion of the annual revenues set apart for public free school purposes, according to the usual forms and general provisions of the law; the number of children in each school district between the ages of seven and twenty, according to the last school census, being the basis of apportionment. Const., § 135; Code, § 1505; p. 59, ante.

He is required, on or before the 1st day of November in each year, to make calculation of the gross amount of all funds applicable to public free school purposes for the ensuing year, based on the State taxes assessed for school purposes upon persons, real estate, tangible personal property, the property of public service corporations other than the rolling stock of steam railroads, and he must further include ten cents on the \$100.00 of assessed value of rolling stock of steam railroads, and of intangible personal property, as described on p. 133 and pp. 133-4. This calculation is based upon the land and property books of the commissioners of the revenue for the current year, if received in time; otherwise, upon those of the preceding year. Code, § 1507.

Note: Section 1507, as amended by Acts Extra Session 1915, p. 137, does not include in the requirements for above calculation the school tax on shares of bank, etc., stock imposed by Acts of Extra Session 1915, p. 209.

From the aggregate amount of school revenues as thus calculated, the auditor deducts ten per centum as allowance for delinquents, and, as an approximate basis of apportionment, reports to the superintendent of public instruction, not later than November 1st in each year, the net amount of all funds found to be applicable to public free school purposes for the current year, after making the deduction for delinquents; that is to say, 90% of the whole; whereupon under direction of the State Board of Education, the auditor is furnished a distributive statement of the amounts due the several counties and cities in the State upon this approximate basis, upon receipt of which he issues his warrants upon the State treasurer for one-half and on the 1st of February following, the other half. Code, § 1507.

If the amount of delinquent taxes is overestimated, the excess revenue is paid in a succeeding settlement. Code, § 1512.

Deductions from Apportionments for Benefit of Retired Teachers' Fund.—For the purpose of saving the trouble and expense of many small remittances from a large number of clerks of district school boards, in collecting the 1% deducted from teachers' salaries for the retired teachers' fund (pp. 139-40), and of making prompt collection of the pension funds into the State treasury, the State Board of Education is authorized to deduct from the annual apportionment of State school funds to each locality one per centum of the total amount of the salaries of its teachers as shown by the annual report of the division superintendent for the preceding year. Should the salaries have increased, the difference is made up the succeeding year. Acts 1910, p. 127, Supplement 1910, p. 833; pp. 138-9.

When School District May Not Receive State Funds.—No school district may receive any part of the State funds until it has made proper provision for school houses, furniture, apparatus, text books for indigent children, and all other means and appliances needful for the successful operation of the schools (Code, § 1490); and no State funds may be paid for a public free school in any school district until there has been filed with the division superintendent a written statement, signed by the chairman and clerk of the board of district school trustees, certifying that the school has been kept in operation for five months during the current year, or that arrangements have been made which will secure the keeping of it in operation that length of time; except that in case of the unavoidable discontinuance of a school before the expiration of the time required, the State Board of Education has authority to relax the requirements of this section and decide the case on its merits. Code, § 1491. See State Board Regulation, No. 103, Appendix, pp. 265-6.

Apportionment of County Funds—

County school funds are apportioned by the county school board among the several districts of the county, according to its judgment, having due regard to maintaining, as far as practicable, a uniform term throughout all of the districts; provided that such primary and grammar schools as may be established in any school year shall be maintained at least four months of that school year before any part of the fund assessed and collected may be devoted to the establishment of schools of a higher grade. Code, § 1447(3).

When School District May Not Receive County Funds.—No school district may receive any part of the county funds until it has made proper provision for school houses, furniture, apparatus, text books for indigent children, and all other means and appliances needful for the successful operation of the schools. Code, § 1490. See State Board Regulation, No. 103, Appendix, p. 266.

Apportionment of State and County Funds to School Districts situated in more than one County—

Whenever a school district is situated in more than one county, and the counties in which it is located collect or apportion therein State or county taxes, or both, it is the duty of the division superintendents, or the county school boards, of said counties to make apportionment of such school funds to those parts of the joint district lying in their respective counties upon the same basis that apportionment is made to their other school districts. (See p. 18, School Census); Acts 1910, p. 208, Supplement 1910, p. 882.

City School Funds—

City school funds are for apportionment by the city school board to the needs of the city in the proper maintenance and growth of its public free school system. Code, §§ 1538(6) (10) (12) (13) (14), 1466(15). See State Board Regulation, No. 103, Appendix, pp. 265-6.

District School Funds—

District school funds are for apportionment by the district school boards to the needs of the district in providing school houses, school appliances, text books for indigent children, and other necessary expenses of the public free school system. Code, § 1466(4) (8) (9) (11) (12) (15). See State Board Regulation.

Custody

Custody of State School Funds—

Section 753 of the Code designates certain banks throughout the State as the depositaries for the State funds, and fixes the amounts and conditions of the indemnifying bonds required of them.

All money paid to these depositaries must stand on their books in the name of the treasurer of the State, and may be

deposited only upon warrant, obtained from the auditor of public accounts, or the second auditor, as the case may be, directing the treasurer to receive it. Upon the warrant so issued, and endorsed by the treasurer, the depositary must certify that the amount stated has been paid to it for the credit of the treasurer. Upon the return of the warrant, so certified, the treasurer must deliver to the auditor who issued the warrant, his receipt for the sum so deposited; whereupon the said auditor must grant his receipt therefor. Code, § 752.

If the money is otherwise paid into the public treasury, the person liable for the payment is subject to every fine, forfeiture, and penalty to which he would be subject for failure to make payment (Code, § 755); except that money may be paid by delivering to the auditor of public accounts a certificate of deposit or a certified check drawn or endorsed payable to the treasurer of Virginia, or his order, on some bank in the State, or in the city of Baltimore, or New York, and entered to the credit of the person indebted. Code, § 757.

The State treasurer is required to keep a separate account of the literary fund, and of every other branch of the State revenue deposited in his name. Code, §§ 780, 781; p. 61.

Custody of School Funds in Counties and Cities—

School funds, whether State, city, county, district, or other funds, placed under control of a school board, must in all cases be received and kept by the city or county treasurer. For the proper application of all such funds he and the sureties upon his official bond are liable. Code, § 1522.

Treasurers' books must show State, county, and district funds as kept separate, and from whence and on what account all moneys are derived, and by what order, on what account, and to whom disbursements are made. Code, § 1515.

All State school funds designed for the benefit of the public free schools of cities must be deposited with their treasurers, to be kept in separate accounts. Code, § 1531.

Disbursement

Disbursements from the State Treasury—

The State treasurer has no authority to withdraw any money credited in his name upon the books of the State depositaries (p. 174), except if the claim to be paid is against the State Board of Education, or the State Corporation Commission, or

any corporation composed of officers of the government, or the funds and property of which the State is the sole owner, by his check drawn upon authority of a warrant issued by the second auditor, or if the claim is against any other interest by the auditor of public accounts. Every such warrant must be signed by the auditor issuing it and attested by one of his clerks. The treasurer's check is not a valid claim against the Commonwealth unless so drawn. Code, § 756.

Upon being duly authorized by the proper board, it is the duty of the second auditor to allow such claims, or such parts thereof as may be proper, against the corporations named above. Code, § 768.

Disbursements from Local Treasuries—

Local treasurers must in all cases disburse or invest the school funds placed under the control of the school boards of their respective districts, but only on the order of the said boards. Code, §§ 1449, 1522, 1531.

“For the pay of public free school teachers, of the clerks of boards of district school trustees, the cost of providing school houses and appurtenances thereto and the repairs thereof, school furniture and appliances, necessary text books for children attending the public free schools in cases where the parent or guardian is unable, by reason of poverty, to furnish them, treasurer's commissions, and any other expense attending the public free school system, so far as the same is under the control or at the charge of the school district or its officers, it shall be necessary first to obtain from the board of school trustees of the district concerned an order approving the claim and directing it to be paid, which shall be duly recorded in the proceedings of the said board; whereupon a warrant shall be drawn, signed by the chairman of the said board and countersigned by the clerk thereof, payable to the order of the person entitled to receive such money, and stating on its face the purpose or service for which it is to be paid and that such warrant is drawn in pursuance of an order of the board.” Code, §§ 1517, 1518, 1538(13).

District Board Warrants on State School Fund.—All warrants drawn by district school boards upon the State school fund must be paid by the local treasurer out of any State funds received by him from the auditor of public accounts, or the second

auditor, and in no case may he pay out a greater sum than the amount of State school funds appropriated to such district. Code, § 1509.

Unexpended Funds—

Unless otherwise directed by the State Board of Education all State funds unexpended by a district in any year are required to be returned by such district to the general school fund of the State for redivision the following year. Code, § 1520.

County and district balances derived from local taxation remain for the use of the county or district possessing the balance. Code, § 1520.

Treasurer not to Deal in County Warrants; Remedy for Failure to Pay Warrant—

Neither a treasurer nor any deputy may, directly or indirectly trade in warrants upon the county treasury, under penalty of the disallowance of the amount thereof in his annual settlement, in addition to the penalties prescribed in § 866 of the Code.

If any treasurer fail to pay upon presentation, any legal warrant, having in his hands at the time funds out of which the same ought to be paid, the holder may on motion in the circuit court recover from him and his sureties the amount of such warrant, together with damages at the rate of 10% per month on the said amount from the time the treasurer should have paid the same, and costs. Code, §§ 863, 864.

It is unlawful for any county, corporation, district, or school officer of the Commonwealth to acquire by purchase, *at less than its face value*, directly or indirectly, express or implied, any warrant or other evidence of indebtedness issued by any board of supervisors or city or town council, or by any school officer, of the State.

Violation of any of the above provisions is a misdemeanor, punishable upon conviction by a fine of from \$20.00 to \$500.00 and, in the discretion of the jury, imprisonment in the county or corporation jail for not more than six months.

The judge of every circuit and corporation court of the State is required to give this law specifically in charge to every grand jury empaneled therein.

Code, § 1472.

Reports and Settlements

"The General Assembly shall provide for the examination of books, accounts, and settlements of county and city officers who are charged with the collection and disbursement of public funds." Const., § 115.

The Fiscal Year—

The fiscal year of the Commonwealth runs from October 1st to September 30th. Code, § 764.

Reports of Local Treasurers and School Boards

Treasurer's Report to Auditor of Public Accounts—

On the first of December in each year, each county and city treasurer is required to make statement, and verify it by affidavit, showing all State taxes collected by him up to that time, and within fifteen days thereafter to forward it to the auditor of public accounts, at the same time paying into the public treasury the amounts shown to have been collected.

The auditor may call upon any county or city treasurer once in every thirty days after the first of July in each year, for a statement under oath of the amount of State taxes for the current year collected to date, and the payment of them into the State treasury, within five days of such call, upon penalty for failure of the deprivation of all commissions upon sums which should have been so reported and remitted; except that in the cities of Richmond, Petersburg, and Lynchburg these statements and settlements are required to be made weekly, and failure to make them is deemed a sufficient cause for removal from office under the provisions of § 821 (p. 62); Code, § 604.

Treasurer's Report to the Division Superintendent of Schools of Collections of Current Year's Taxes—

On December 1st, or within 20 days thereafter, in every year, each treasurer of a county, or a town constituting a single school district, is required, under penalty for failure, to make report, verified by his affidavit, to the superintendent of schools of his division, on blank forms furnished by the Superintendent of Public Instruction, showing the amount collected on account of State, county, and district levies, respectively, prior to December 1st, on which there was no penalty, and the balance not collected on which 5% penalty is to be added. These reports must show the number and amount of warrants on the

State, county, and district funds presented from each district: those paid, and the balance in hand due each district from each of said funds. Code, § 1518.

Treasurer's and District School Boards' Annual Reports to County School Board—

Each county treasurer is required to furnish for the use of the county board at its annual meeting in August of each year, a report for the school year, showing in detail all transactions pertaining to the receipt and disbursement of school funds for the year ending June 30th, with his books, vouchers, and other official papers. The school board compares the warrants paid by the treasurer with those issued by the district boards, and makes report to the superintendent of public instruction through the division superintendent. For the purpose of making this comparison, the clerks of district boards are also required at that time to lay before the county board their official records and account books, contracts, deeds, and other papers pertaining to the school business of their respective districts for the year just closed. All warrants paid by the county treasurer are then cancelled and delivered to the division superintendent, who after twelve months is at liberty to destroy them. Code, §§ 1466, 1484, 1510.

Any irregularities noted in the proceedings of these officers as shown by their books, records, etc., must be entered upon the minutes of the county board, and proper action taken to enforce the punishments and penalties prescribed by law. Code, § 1484.

Failure of Treasurers, or Clerks, of District School Boards to Produce Accounts, etc.—

Treasurers and clerks of school boards are subject to fine for failure to produce accounts, etc., as required by § 1484 above, but the county school board, with the approval of the State Board of Education, on good and sufficient reason shown, may remit such fine. Code, § 1485.

In connection with this annual report it is the duty of the division superintendent to examine all books and papers of delinquent officers and make special report thereon to the superintendent of public instruction. Code, § 1485.

Treasurers' Annual Settlements with Auditor of Public Accounts, Boards of Supervisors, and County School Boards—

County and city treasurers are required to file with the auditor of public accounts not later than the first of September in each year a detailed statement showing the amount of receipts and disbursements of the county or city, as the case may be, for its preceding fiscal year, certified by the chairman of the board of supervisors, or the mayor of the city, and also by the chairman of the school board. Code, § 853a.

Each county treasurer must settle with the board of supervisors at their regular meeting in July of each year, or as soon thereafter as practicable, not later than the first of October, Code, §§ 786a(5), 833; and with the county school board by the first of October. On that date he is required to exhibit to the judge of the circuit court and the Commonwealth's attorney the cash to balance his accounts with the county levy and the county school funds, if any be due. Code, § 786a(5).

Settlements of Trust Funds held for Public Schools—

Any district school board of county or city having control of any fund or property acquired by gift, devise or bequest is required to make, in addition to the regular settlement required of all school moneys coming into its hands, an annual settlement of all transactions in connection with such fund, before the commissioner of accounts, and the court having jurisdiction has the right to compel such a settlement under § 2680 of the Code. Code, §§ 1483, 1447, pp. 45, 49.

In cases where funds or other properties are held by trustees for purposes of common school education, the school board of the county or city has the duty and power of examining into the manner in which such trusts are administered, and of requiring such trustees to render them an account of the trust whenever called upon, and to afford every facility for examination. Code, § 1447; p. 49.

Annual Statement of County School Board for Publication—

Directly after this annual settlement with the treasurers, county school boards are required to make out a statement showing the receipts and disbursements of school funds in each school district, in their respective counties, for the year just ending, and have it published in some newspaper of the county, and also, printed as a handbill and posted at the front door of the court house and at the voting place of the clerk of each dis-

trict school board of the county. It is the duty of the clerk of each district board to post the same at his voting place, and of the division superintendent to see that it is done. Failure of officers to comply with this section is a misdemeanor.

The statement must show, under head of receipts, the total balances in hand from preceding year, the amount received from State school funds, from county school levy, from district school levy, and from all other sources, stating sources, with total of receipts and balances; and under disbursements, the amounts paid school trustees, county treasurer, and teachers, giving number of teachers, and also a statement of any other expenditures not covered in either of the above items, itemized to show the amount spent for school houses, for furniture for school houses, and for other incidental expenses, totaling the account to show balances on hand and total disbursements and balances. Acts 1908, p. 555, Supplement 1910, p. 643.

Annual Report of County School Board to Superintendent of Public Instruction—

The county school board is required to make an annual report to the superintendent of public instruction, through the division superintendent of schools, on or before the 10th day of September in each year, which must give in detail all official acts for the year closing the 31st day of July preceding. Code, § 1446.

Administration of the Literary Fund

The Literary Fund is under the management and control of the State Board of Education, with authority given to that body to invest the capital, and unappropriated income therefrom, in State or United States bonds, or first mortgage bonds of railroad companies the market value of which for six months preceding the investment has not been less than 90 cents on the dollar, or in bonds made by district school boards under Acts of 1910, p. 106; 1914, p. 715. (See pp. 163-4.) No premium may be required or paid on any State bonds purchased for this fund.

The board may call in any investment and reinvest the proceeds as above whenever deemed proper for the preservation, security, or improvement of the fund.

Under above Act permitting loans to school districts for the purpose of erecting school houses, the State Board of Education

is authorized to convert existing securities of the literary fund into cash for the purpose of meeting the loans so authorized, but not to a greater extent than \$100,000.00 per annum, nor unless it deems it expedient to do so, and the board is required to provide for an equitable distribution of this loan fund among the several sections and school districts of the State.

All securities of the literary fund are deposited for safe keeping with the second auditor, who is the legal custodian thereof. Code, §§ 1433(11) (12), 1505.

All fines collected for offenses committed against the State must be paid and collected only in lawful money of the United States, and paid into the State Treasury to the credit of the literary fund and used for no other purpose whatever. Code, § 743a.

All money belonging to the literary fund must be received into the State treasury on the warrant of the second auditor, who is the accountant of the fund, and it is his duty to institute and prosecute proceedings ordered by the State Board of Education for any money due. Code, § 1432.

It is the duty of the State Board of Education to audit all claims against the fund, the secretary and presiding officer of the board certifying to the second auditor such as are allowed, who must thereupon issue warrants on the State treasurer for their payment, signed by him and attested by one of his clerks. Not more than ten years may have elapsed between the date when a claim might legally have been presented for payment, and its approval by the State Board for payment.

The literary fund must be kept in separate accounts, both by the State treasurer and the second auditor, showing all receipts and disbursements, and a list of the securities belonging to it must be returned by the second auditor with his annual report, with a statement of their value. Code, §§ 781, 1433(11) (12), 1505.

The Retired Teachers' Fund

The Retired Teachers' Fund is administered by the State Board of Education. All money belonging to it, from whatever source derived, is paid into the State treasury, through the office and upon the warrant of the second auditor (see pp. 23-4, 111-16, and p. 139), and is placed by the treasurer to the credit of a fund called the "retired teachers' fund" and an accurate account kept thereof.

All legacies, bequests, and funds derived from devises for the benefit of the teachers under this act are paid over to the State Board of Education to be transferred to the credit of the fund in the manner stated, and the capital and unappropriated income therefrom invested under the same powers granted said board for the investment of the literary fund. All such securities are deposited with the second auditor for safe keeping, who is required to return with his annual report a list thereof and a statement of their value.

Only the income from the funds received and invested may be used in paying pensions or other current expenses.

Pensions are paid quarterly, on the 1st day of January, April, July, and October, by warrant on said fund, signed by the president and secretary of the State Board of Education, and issued by the second auditor, for the benefit of the pensioners whose names have been placed on the list, for a sum equal to one-eighth of the average annual salary earned by them respectively for the last five years taught in the public schools; but in no event shall any quarterly payment exceed \$100.00; except where the annual salary exceeded \$1,000.00, the quarterly pension may be \$125.00. If the funds are insufficient to pay all pensions due, they are paid pro rata according to the amount of funds available.

It is the duty of the State Board of Education to see that proper arrangements are made for keeping an accurate account of all moneys received, invested or disbursed for this fund, and a full statement of all transactions in regard thereto must be included in the reports of the superintendent of public instruction. Acts 1910, p. 127, Supplement 1910, p. 833.

Administration of Personal Property Held by and for State Institutions Educational in Character

All claims against the State Board of Education, or any corporation composed of officers of the government, or against funds and property of which the State is sole owner, are paid through the second auditor, and he is required to keep a distinct account of the receipts and disbursements of each of said corporations. Code, §§ 768, 779.

Under the provisions of the Act of March 3, 1882, continued in force by § 1425 of the Code, the second auditor is authorized and directed to draw upon the public treasury in favor of the proper authorities of any incorporated college or other insti-

tution or seminary of learning, academy, or manual labor school in the State, or of any trustees who hold obligations of the State for such institutions, for all interest as it falls due upon obligations of the Commonwealth, or of the James River & Kanawha Company guaranteed by the Commonwealth, which any of such institutions held, or were entitled to hold, on the 1st day of January, 1882, so long as they continue to hold the same; provided that no interest shall be paid upon any bonds the payment of which is forbidden by the Constitution. (See p. 110, ante.)

Section 141 of the Constitution, prohibiting State appropriations to schools or institutions of learning not owned or exclusively controlled by the State or some sub-division thereof, provides "that this section shall not be construed as requiring or prohibiting the continuance or discontinuance by the General Assembly of the payment of interest on certain bonds held by certain schools and colleges as provided by an act of the General Assembly approved February 23, 1892, relating to bonds held by schools and colleges."

The said Act of February 23, 1892 (p. 573), provides for the surrender to the second auditor, on or before the 1st of July, 1892, of all evidences of the State's indebtedness held by schools and colleges as endowments for educational purposes, and the issue to those by whom surrendered of registered certificates of debt for the respective amounts of the bonds and other evidences of debt so surrendered, non-transferable and redeemable at the pleasure of the State, with interest payable semi-annually, by warrant of the second auditor upon the auditor of public accounts.

The said certificates are held by certain of the State institutions of learning, and by other colleges and schools in the State, named in said act, with the amounts of their respective holdings. See Code, §§ 1562 (U. Va.), 1605 (V. P. I. and Hampton).

Donations for Benefit of University of Virginia—

The State of Virginia is constituted trustee for the safe keeping and due application of all funds deposited in the public treasury as donations for the benefit of the University (p. 149). The treasurer and the sureties on his official bond are liable for all money or other funds so deposited, and a separate account of each such deposit must be kept by the accounting officers of the State in the same manner as of other public funds. Code, § 1561; pp. 149-50.

Virginia Military Institute—

The treasurer of the V. M. I. is required annually on or before the 1st day of October, to make a detailed report of his accounts to the State Board of Education, to be by it reported to the General Assembly, and the board of visitors shall cause a careful examination of his accounts and a full statement thereof to be made at least once a year. Code, § 1571; p. 78.

Virginia Polytechnic Institute—

It is the duty of the State Board of Education to pay over to the board of visitors of the V. P. I. all funds received for the use and benefit of the institute. Code, § 1605; pp. 34, 118-120.

Demonstration Work.—All money appropriated for the general purpose of carrying on the demonstration work throughout the State must be paid to the treasurer of the V. P. I., and be disbursed by proper warrants, with vouchers attached, signed by the secretary and countersigned by the president of said institution; but said funds may be used and paid out only for the purposes specified in this act. An itemized statement, with proper vouchers, for disbursements of said funds, must be reported to the governor each year, and examined by the public accountants, and be subject at all times to the inspection of the legislature or any of its committees. Acts 1914, p. 710, Biennial 1914, p. 497; p. 120.

College of William and Mary in Virginia—

It is the duty of the board of visitors, and it has the power, to control and expend the funds of the college, and any appropriations provided therefor. Acts 1906, p. 94, Supplement 1910; pp. 120-1.

The Virginia Normal School Board—

It is the duty of the Virginia Normal School Board to safeguard the funds of the four schools under its charge and administer any appropriations made by the State thereto in a careful and economical manner. Acts 1914, p. 567, Biennial 1914, p. 461; pp. 121-4.

Virginia Normal and Industrial Institute—

It is the duty of the board of visitors of said institute, and it has the power, to disburse such funds as may belong to the said institute. Code, § 1613(5-g); p. 124.

Hampton Normal and Agricultural Institute—

It is the duty of the State Board of Education to pay over to the treasurer of the said institute all funds received for its use and benefit. Code, § 1605; pp. 34, 124-5.

The State Library Fund—

The surplus stock of books, documents, and maps published by the State, and appropriated for sale for the benefit of the

library fund (p. 129), must be delivered to the secretary of the Commonwealth to be disposed of by him as follows: All copies of which the law makes definite disposition, and such copies as may be needed by the library board for gifts and exchanges, are first to be delivered, and twenty-five copies of each publication kept and preserved by the said secretary. The remaining copies it is his duty to sell at such prices as may be fixed—with his consent—by the library board, subject to the provisions of an act approved April 2, 1902, ratifying the contract between the joint library committee of the General Assembly and the Michie Company, dated February 21, 1900, and providing for similar contracts with other persons. Such sales may be made through book dealers upon the basis of a reasonable commission allowed them on all sales made; but such dealers must give bond, with good security, payable to the Commonwealth, and conditioned to secure the payment of the price of the said publications or their return upon demand of the secretary of the Commonwealth.

The said secretary is also authorized to exchange publications for others to be placed in the State library, or the State law library.

All costs and expenses attending such sales and exchanges must be paid by the secretary out of the proceeds of sales.

All securities and money belonging to the library fund must be held by the State treasurer as a separate fund for the benefit of the library, including the moneys coming into the hands of the secretary of the Commonwealth from the sale of publications, as above stated, and the said secretary is required to render to the auditor of public accounts a monthly statement showing the amount due from such sales during the preceding month, and at the same time pay the amount shown to be due into the treasury to the credit of the library fund.

The library board superintends and directs all expenditures of the library funds, the accounts of which are kept by the librarian, who is required to give bond in the sum of \$2,000.00, with approved sureties, for the faithful discharge of his duties and the delivery over to his successor of all the property of the State in his possession. The doorkeeper is required to give like bond in the sum of \$500.00.

The library fund is paid out by the treasurer of the State on warrants drawn by the auditor of public accounts upon the order of the library board, evidenced by its warrants signed by the chairman of the board and attested by the secretary.

The State library board is authorized and empowered, in its discretion, to charge and collect such fees as it may deem reasonable for copies of, or extracts from, any books, papers, records, documents or manuscripts in the library which may be supplied by the library staff to persons applying for them. All fees so collected must be paid into the State treasury to the credit of the library fund, and an accurate account thereof kept by the librarian. Acts 1908, p. 384, Supplement 1910, p. 795; p. 185.

The library board is authorized to expend a sum not exceeding \$4,000.00 a year in editing, arranging, and publishing the records pertaining to the history of the colony and State of Virginia and to the service of the citizens of the State in the Wars of the Revolution and 1812, the Mexican War and the Civil War, and, where necessary, to sell securities belonging to the library fund to meet the expenditures so authorized.

It is the duty of the library board to make annual report to the governor of all receipts and expenditures. Code, §§ 248, 251, 252, 254, 257; Acts 1908, p. 384, Supplement 1910, p. 795.

Annual Reports Required of State Institutions Educational in Character—

See p. 86 for provisions of § 1637 requiring annual reports to be made, and Acts 1908, p. 381, Supplement 1910, p. 795, requiring monthly reports.

If the reports required by § 1637 are not made by any college or academy *which receives any portion of the revenue of the literary fund*, or to which any loan has been made out of the said fund, the second auditor must withhold (until the report is made) the payment of said portion of the literary fund or proceed to enforce payment of the said loan. Code, § 1638.

NOTE.—The Constitution provides that the annual interest on the literary fund shall be applied to the schools of the primary and grammar grades. § 135.

The proper officer of each State institution, educational in character, and every officer of the State for whose department appropriations are made, is required to give, in his annual report, an itemized account of the expenditure of all such appropriations, as well as of all other sums received from any source, including interest on bonds held by such institutions. Copies of all such reports must be laid before both houses of the General Assembly on the first day of each session.

None of the moneys appropriated by the State may be used for any other purpose than is specified by the General Assembly, and no institution may exceed its appropriation. There is no liability or obligation upon the State to reimburse such institution for an excess expenditure, or to meet any deficit so occasioned, and the members of any board making such excessive expenditures who vote therefor may, in the discretion of the governor, be held guilty of neglect of official duty and be subject to removal therefor. Acts 1914, pp. 363-4.

Annual Reports of State Auditors and Treasurer—

The auditor of public accounts, the treasurer, and the second auditor are required annually, before the 1st day of November, to submit to the governor a statement containing a synopsis of the financial condition of their respective departments, which the governor must have published in the two newspapers printed in the city of Richmond having the most general circulations throughout the Commonwealth. And, at the same time, the said officers are required to submit their respective general reports to the governor, to be delivered by him to the superintendent of public printing. Code, § 787. See Code, § 788 for scope of the reports required as above.

The auditor of public accounts is required to have made from the books in his office annually at the end of the fiscal year (p. 78) a statement showing the condition of the accounts of every county and city treasurer who is in arrears. Code, § 604.

System of Checks and Balances

“The General Assembly shall provide by law for the establishment and maintenance of an efficient system of checks and balances between the officers at the seat of government entrusted with the collection, receipt, custody, or disbursement of the revenues of the State.” Const., § 84.

In compliance with the above section of the Constitution the office of State accountant was created by Act of 1910, amended by Act of 1914, and the modern, comprehensive, and efficient system of bookkeeping and accounting he is directed to devise in establishing such an efficient system of checks and balances comprehends the following requirements:

(1) A system applicable to the offices of auditor of public accounts, the State treasurer, the second auditor, the superintendent of public instruction, the State library, and all other

State officers now or hereafter established at the seat of government. The system recommended must be suitable to the needs of these several offices or boards, considered in their relation to each other and to subordinate offices and officials.

(2) A system of accounting for the several institutions maintained in whole or in part by the State.

(3) He is further required to inspect and scrutinize from time to time the accounts and vouchers of all State officers, and report to the auditor of public accounts and the governor any irregularities discovered, except that irregularities in the accounts of the auditor of public accounts must be reported to the governor and the General Assembly.

(4) When called upon by the governor, it is his duty to examine the accounts of any institution maintained in whole or in part by the State.

These inspections must be made without notice to the officials concerned, and it is their duty to produce their books, vouchers, and accounts, and give the State accountant, or his deputy, all necessary aid in making such inspections. Failure to meet the requirements of this section is a misdemeanor.

(5) The services of the State accountant, upon request, by the board of supervisors of any county or the council of any city or town in the State, are available for the establishment of a system of bookkeeping and accounting for local treasurers, clerks of courts, and school boards of counties and cities, and for the examination of the books and accounts of such officers. The cost of the service so rendered must be borne by the county or city receiving aid, but may not exceed an amount sufficient to reimburse the State.

The State accountant and his deputies have authority to summon witnesses and administer oaths in connection with all examinations authorized by this act.

The fees charged the counties and cities for the services mentioned must be remitted by the local treasurer, out of any local funds in his hands, within thirty days after receiving the account rendered by the State accountant, to the auditor of public accounts, to be by him paid into the public treasury to the credit of the fund of the State accountant so that such moneys may be available for carrying out the provisions of this act, having for its purpose the establishment of a sufficient system of checks and balances. Acts 1910, p. 243, Supplement 1910, p. 893; Acts 1914, p. 202, Biennial 1914, p. 331.

Audit of Financial Transactions of County Officers—

Whenever in the circuit court of any county which alone constitutes a separate judicial circuit in the State, a petition is filed by at least fifty freeholders resident therein, or whenever it is believed by the judge of said circuit that the public interests will be promoted by an audit or examination of the whole or any part of the financial transactions of any officer of said county, the judge has authority to appoint one or more certified public accountants to make such an audit or examination, and report to the court the result thereof.

The compensation for such work must be fixed by the court and certified to the board of supervisors, whose duty it is to provide for the payment thereof. Acts 1914, p. 87, Biennial 1914, p. 399.

CHAPTER XIV

COSTS OF ADMINISTRATION OF THE PUBLIC FREE
SCHOOL SYSTEM AND STATE INSTITUTIONS EDU-
CATIONAL IN CHARACTER

The State Board of Education

No compensation is allowed members of the State Board of Education, beyond the salaries received by them in their respective offices of governor, attorney general, superintendent of public instruction, faculty members of State institutions of learning, and division superintendents of schools, but, with the exception of the governor, attorney general, and superintendent of public instruction (for whom special provision is made), they are entitled to their reasonable expenses incurred in attending meetings of the board or its committees. Const., § 83; Code, § 1433(20).

Superintendent of Public Instruction

The salary of the superintendent of public instruction is fixed by the General Assembly, and at present is \$3,500.00 per annum. By § 1434 of the Code, he was allowed "a sum not to exceed \$25.00 per month" for office rent, and his necessary traveling expenses while engaged in the duties of his office, not to exceed \$800.00 in any school year. But under bills appropriating the State revenues for the years 1910-1911 to 1915-1916, inclusive, the latter allowance is limited to \$700.00 per annum, and for 1915-1916 an appropriation was made to provide "rent for offices for the State Board of Education, rendered necessary by the crowded condition of the capitol building." Const., § 131; Code, § 183; Acts Appropriating the Public Revenue, 1910-1914, inc.

**Office Expenses of Superintendent of Public Instruction and
State Board of Education**

The compensation of the secretary of the State Board of Education, of the examiners and inspectors appointed by that

body, and the clerks and other employees of the office of the superintendent of public instruction, as well as his contingent office expenses, including stationery, postage, printing, furniture, etc., are all determined by the State Board of Education. Code, §§ 1433(14), 1434.

Division Superintendents of Schools

Division superintendents of schools are paid on the warrant of the State Board of Education drawn upon the second auditor in monthly installments from the bulk of the State funds before they are apportioned among the several divisions upon the following basis:

\$40.00 for every 1,000 of population in their respective divisions, for the first 10,000;

\$25.00 for every 1,000 of population in excess of 10,000 up to and including 30,000;

\$15.00 for every 1,000 of population in excess of 30,000.

Fractions of less than 500 are rejected in each case.

Provided, however, that the pay of a superintendent from funds in the State treasury shall not in any case be less than \$200.00 a year, and when a school division is composed of more than one county, or of a city and one or more counties, the superintendent's salary may, at the discretion of the State Board of Education, be the aggregate of the amounts found by estimating the population of each of said counties and the city as if each formed a separate school division.

In no case may a division be formed by the State Board of Education which will not insure to its superintendent of schools a salary of at least \$900.00 a year; except that in the following cases the rule may, in the discretion of the State Board of Education, be modified :

(1) Where the aggregate population of two adjacent counties, or of a city and the county in which it is located, is less than 14,000 and it is not practicable, in the judgment of said board, to arrange this territory in a division which will provide a salary of \$900.00, it may be put into a division providing its superintendent a salary of not less than \$700.00.

(2) The above requirement as to salary may be waived in the case of a border county touching some other state than Virginia and having a population of less than 14,000, where in

the judgment of the said board an exception will inure to the best interests of the public school system.

(3) The rule as to the minimum salary provided for may be modified when on account of geographical or other conditions the grouping necessary to provide the salary would not in the judgment of the board be to the benefit of the divisions. Code, §§ 1433(1), 1438, 1519.

The board of supervisors of any county or the council of a city, or a county or city school board, may, out of the local school funds, supplement the salary of the division superintendent as provided for above, but it may not be increased or diminished during his term of office. Code, § 1438.

The division superintendent of a city receives pay from the State in like proportion as other division superintendents, irrespective of the amount of additional remuneration received by him from the council; and the salaries of division superintendents, so far as payable by the State, are paid from the bulk of the State funds as distinguished from appropriations therefrom to the several counties. Code, §§ 1519, 1533.

School Trustees

School trustees receive no compensation for their services, except the members of the district school boards in the counties who are elected clerks of their respective boards; but all trustees may be allowed by the county board their actual expenses in attending school board meetings, within the limit of \$10.00 apiece in any school year, payable out of the district school funds. Code, § 1447(1).

School Trustee Electoral Boards

The resident qualified voter appointed by the judge of the circuit court to serve on the school trustee electoral board, is allowed out of the county school fund, a per diem of \$2.00 for each day actually employed on school business; but when acting as a member of the board of appeal under § 1478, he is paid this \$2.00 per day from the funds of the district where the service is rendered. Code, § 1451.

The cost of all books, stationery, and postage needed by the school trustee electoral board in the transaction of official business, not exceeding \$5.00 in any one year, must be paid out of the county school fund. Code, § 1457.

Clerks of School Boards

City school boards fix the amount of compensation allowed to clerks employed by them and it is paid from the city school funds. Code, § 1526.

The clerk of a county school board is allowed compensation at the rate of \$3.00 per day for every day the board is in session, not to exceed \$10.00 per annum, which sum; together with necessary contingent expenses of attending to the transaction of business for the board, may be paid out of any funds under its control. Code, § 1444.

The clerk of a district board is paid for his services, from the district school fund, an amount not to exceed \$3.00 for each teacher employed in his district. Code, § 1465.

Clerks of both city and county district school boards are further allowed from the district school funds, \$3.00 per hundred of children listed by them, respectively, in taking the quintennial school census, subject to abatement on discovery of errors or omissions, or to a fine by the district board of not less than \$5.00 nor more than \$50.00 for each offense, resulting from malfeasance or neglect. Code, §§ 1462, 1463a, 1474.

County and City Treasurers

For receiving, collecting and disbursing levies for school taxes, treasurers are entitled to the same compensation as for the like service in connection with taxes for other ordinary purposes. In computing a treasurer's commissions on school taxes the amounts levied for school purposes must be treated as a fund separate and distinct from the general county levies, but the county and district school levies must be treated in the aggregate as one sum. Code, §§ 613, 1515, as construed by Acts of 1912, p. 686, appearing in 1912 Biennial, at p. 57, as § 613a of the Code.

The commissions to which treasurers are entitled, upon the above basis of calculation, are as follows:

County Treasurers—

Commissions on Local School Funds.—5% on sums of \$25,000.00, or less, and 3½% on all sums in excess of \$25,000.00; which is in full of a treasurer's compensation for receiving, collecting and disbursing the local school levies in counties in which those revenues exceed \$25,000; but where the said

revenues are less he is allowed additional compensation on revenues remaining unpaid December 1st, and subsequently collected by him, as follows:

Where the revenue does not exceed \$10,000.00, 4% ; where it exceeds \$10,000.00, but does not exceed \$15,000.00, 3% ; and where it exceeds \$15,000.00, but there is not a sufficient excess to make his compensation as much as if the revenue had been less than \$15,000.00, he is entitled to 2% on all revenues up to \$15,000.00, remaining unpaid the first of December, and later collected by him.

Commissions on State and Other Funds.—Upon all funds placed under control of school boards and all moneys coming into their hands other than county and district levies, except State aid to public school libraries, treasurers are allowed such commission as the school boards may determine, not less than 1%. Code, § 1449.

Where not otherwise provided by statute, the commission allowed the county treasurer, in all cases, for receiving and disbursing funds raised by the issuance and sale of district school bonds, is $\frac{1}{4}$ of 1%, provided the amount of his compensation in no case may be less than \$15.00 nor more than \$250.00. Acts 1908, p. 559, Supplement 1910, p. 833.

City Treasurers—

Commissions on Local School Funds.—A city treasurer is allowed for his services in receiving and disbursing the school levies (where he is the collector of such levies) the same rate of commission allowed a county treasurer, except where the annual collection is in excess of \$60,000.00, he receives but 2% on such excess of \$60,000.00.

Where local levies are collected by some other officer than the treasurer, cities make their own provision for compensation to their treasurers for disbursing the school funds, sometimes by a salary which covers the work of disbursing local taxes collected or appropriated for school purposes.

Commissions on State School Funds.—City treasurers are allowed, in addition, a commission determined by the school board not exceeding 1% on all State school funds received and disbursed, except State aid to public free school libraries. Code, § 1449.

For receiving and disbursing all funds turned over by any outgoing treasurer, his successor is allowed not more than 2% commission. Code, § 614.

Limitations to Treasurers' Commissions—

No commissions are allowed either city or county treasurers on State appropriations in aid of public free school libraries. Acts 1914, p. 138, Biennial 1914, p. 326.

Act of March 27, 1914, limits, according to a sliding scale of population, the total annual compensation a treasurer may receive, directly or indirectly, "including all his salaries, allowances, commissions, and fees whether derived from the State, or any political subdivision thereof, or from any person or corporation," and requires him to keep a full and accurate account of "all such fees, allowances, commissions and salaries to which he is entitled under the law" actually collected by him, said account to be kept in the manner and form prescribed by the auditor of public accounts and to be at all times open to public inspection, and annual report made therefrom, through the auditor of public accounts, to the commission created by said Act, composed of the governor, the auditor, and the State accountant. Acts 1914, p. 707, Biennial 1914, p. 494.

State Institutions Educational in Character

The boards of visitors or trustees of State institutions of learning and of Schools for Defective, Deficient, and Delinquent, and the board of directors of the State library, receive no per diem, mileage, or other compensation for their services, but are allowed their actual expenses in attending meetings of their boards or committees of the boards. Const., § 132; Code, §§ 254, 1713b, 1549 (U. Va.), 1596 (V. P. I.), 1613(14) (V. N. & I. I.), 1637a; Acts 1914, p. 567, Biennial 1915, p. 461.

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APPENDIX

Public School Officials of Virginia

STATE BOARD OF EDUCATION

R. C. STEARNES

Superintendent of Public Instruction and President of the Board
RICHMOND

H. C. STUART

Governor of Virginia
RICHMOND

JNO. G. POLLARD

Attorney-General of Virginia
RICHMOND

JAMES S. WILSON

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WILLIAMSBURG

J. M. PAGE

Professor of Mathematics, University of Virginia
CHARLOTTESVILLE

HENRY C. FORD

Professor of Latin and History, Virginia Military Institute
LEXINGTON

HARRIS HART

Superintendent of the Roanoke City Schools
ROANOKE

FRANK T. WEST

Superintendent of Louisa County Schools
TREVILIANS

E. R. CHESTERMAN

Secretary to the Board
RICHMOND

State School Inspectors

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JOHN B. TERRELL

E. E. WORRELL

J. H. BINFORD

A. D. WRIGHT

JOSEPH W. EVERETT

Editor Virginia Journal of Education

DIVISION SUPERINTENDENTS OF SCHOOLS

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| Alexandria city | W. H. Sweeney..... | Alexandria |
| Alexandria county..... | W. T. Hodges..... | Rosslyn |
| Alleghany | J. G. Jeter..... | Covington |
| Amelia | C. B. Bowry..... | Burkeville |
| Amherst | C. L. Scott..... | Amherst |
| Appomattox | N. R. Featherston..... | Vera |
| Augusta | F. M. Somerville..... | Staunton, R. F. D. 6 |
| Bath | Bruce Rice Richardson.. | Hot Springs |
| Bedford | C. M. Abbot..... | Bellevue |
| Bland | Frank L. Dunn..... | Bland |
| Botetourt | Cary Breckenridge | Fincastle |
| Bristol | F. B. Fitzpatrick..... | Bristol |
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| Buckingham | John A. Twyman..... | Wingina, R. F. D. |
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| Carroll | E. M. Cooley..... | Woodlawn |
| Charles City..... | Alvin C. Cooper..... | Williamsburg |
| Charlotte | S. P. Daniel..... | Drakes Branch |
| Charlottesville | James G. Johnson..... | Charlottesville |
| Chesterfield | Philip M. Tyler..... | Chester |
| Clarke | C. G. Massey..... | White Post |
| Craig | W. O. Martin..... | Newcastle |
| Culpeper | James M. Beckham..... | Culpeper |
| Cumberland | C. W. Dickinson, Jr..... | Cartersville |
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| Elizabeth City | John M. Willis..... | Hampton |
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| Fairfax | M. D. Hall..... | Burke |
| Fauquier | E. Albert Smith..... | Warrenton |
| Floyd | Isaac L. Epperly..... | Floyd |
| Fluvanna | Thos. H. Shepherd..... | Wilmington |
| Franklin | W. D. Rucker..... | Rocky Mount |
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| Goochland | C. W. Dickinson, Jr..... | Cartersville |
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| Greene | Jos. N. Miller..... | Haywood |
| Greensville | Henry Maclin..... | North Emporia |
| Halifax | H. J. Watkins..... | South Boston |
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| DIVISION | SUPERINTENDENT | POSTOFFICE |
|----------------------|--------------------------|----------------------------|
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| Highland | Bruce Rice Richardson.. | Hot Springs |
| Isle of Wight..... | Gavin Rawls..... | Carrsville |
| James City..... | Alvin C. Cooper..... | Williamsburg |
| King and Queen..... | W. G. Rennolds..... | Centercross |
| King George..... | D. F. Coakley..... | Ferrell |
| King William..... | H. Ragland Eubank..... | Etna Mills |
| Lancaster | Frank W. Lewis..... | Morattico |
| Lee | J. C. Boatright..... | Jonesville |
| Loudoun | W. G. Edmonson..... | Purcellville |
| Louisa | Frank T. West..... | Trevilians |
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| Lynchburg | Edward C. Glass..... | Lynchburg |
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| Mathews | E. C. Percifull..... | Nesting |
| Mecklenburg | F. C. Bedinger..... | Boydton |
| Middlesex | E. C. Percifull..... | Nesting |
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| Norfolk county..... | A. H. Foreman..... | Norfolk |
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| Northumberland | Frank W. Lewis..... | Morattico |
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| Page | John H. Booton..... | Luray |
| Patrick | J. F. Reynolds..... | Meadows of Dan |
| Petersburg | F. M. Martin..... | Petersburg |
| Pittsylvania | Fletcher B. Watson..... | Chatham |
| Portsmouth | H. A. Hunt..... | Portsmouth |
| Powhatan | J. W. Reynolds..... | Powhatan |
| Prince Edward..... | P. Tulane Atkinson..... | Hampden-Siduey |
| Prince George..... | W. W. Edwards..... | Waverly |
| Princess Anne..... | O. B. Mears..... | Norfolk, R. F. D. 2 |
| Prince William..... | G. G. Tyler..... | Haymarket |
| Pulaski | E. L. Darst..... | Dublin |
| Radford | J. P. Whitt..... | East Radford |
| Rappahannock | John H. Booton..... | Luray |
| Richmond city..... | J. A. C. Chandler..... | Richmond |
| Richmond county..... | Blake T. Newton..... | Hague |
| Roanoke city..... | Harris Hart..... | Roanoke |
| Roanoke county | R. E. Cook..... | Salem |
| Rockbridge | E. K. Paxton..... | Buena Vista, R. F. D. 2 |
| Rockingham | Geo. H. Hulvey..... | Harrisonburg |
| Russell | H. W. Fugate..... | Fugates Hill |
| Scott | W. D. Smith..... | Gate City |
| Shenandoah | C. V. Shoemaker..... | Woodstock |
| Smyth | B. E. Copenhaver..... | Marion |
| Southampton | G. L. H. Johnson..... | Franklin |

| DIVISION | SUPERINTENDENT | POSTOFFICE |
|--------------------|-------------------------|--------------|
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| Stafford | James Ashby | Falmouth |
| Staunton | John P. Neff | Staunton |
| Surry | L. N. Savedge | Alliance |
| Sussex | W. W. Edwards | Waverly |
| Tazewell | W. A. Thompson | Tazewell |
| Warren | Thornton V. Leach | Front Royal |
| Warwick | A. J. Renforth | Grafton |
| Washington | W. J. Edmondson | Lodi |
| Westmoreland | Blake T. Newton | Hague |
| Williamsburg | H. E. Bennett | Williamsburg |
| Winchester | M. M. Lynch | Winchester |
| Wise | J. N. Hillman | Coeburn |
| Wythe | Geo. R. Huffard | Wytheville |
| York | A. J. Renforth | Grafton |

REGULATIONS OF THE STATE BOARD OF EDUCATION

The State Board of Education "shall have authority to make all needful rules and regulations for the management and conduct of the schools, which, when published and distributed, shall have the force and effect of law, subject to the authority of the General Assembly to revise, amend, or repeal the same." Const., § 132(3). See also Code, § 1433(4).

The "Regulations" referred to and quoted in this Appendix are the Regulations of the State Board of Education as numbered and published for distribution in the volume entitled "Virginia School Laws" (pp. 156-204, inc.) issued by the Department of Public Instruction in November, 1915.

INTERPRETATION AND ENFORCEMENT OF SCHOOL LAWS AND REGULATIONS

As chief executive of the public free school system, it is the duty of the superintendent of public instruction to determine the true intent and meaning of the school laws and regulations and take care that they are faithfully executed, to explain to division superintendents and other school officers the several duties enjoined upon them respectively and to give such information as he may deem conducive to the due execution of said duties and to the proper organization and government of the public free schools. Regulation 1(1) (2) (3).

"It is the duty of all school officials to acquaint themselves with the school laws and regulations and to see that they are carried into execution, and they are urged to tolerate nothing that might tend to impair the public school system or in any way interfere with the efficiency of the schools." Regulation 106.

It is the duty especially of division superintendents to explain and give information about the school system, to take care that all schools laws and regulations are strictly enforced, and see that the decisions of the superintendent of public instruction and the State Board of Education upon controversies relating thereto are complied with by the persons concerned. In all cases where such decisions are not complied with, it is the duty of division superintendents to so inform the superintendent of public instruction, stating the circumstances in connection therewith. Regulations 79, 80.

It is the further duty of every superintendent to visit and inspect the schools in his division at least once during each session, and twice if the whole number of schools does not exceed seventy-five, or report in writing to the superintendent of public instruction a reasonable excuse for not doing so. He must inquire into all matters relating to the management of the schools, the course of study and mode of instruction therein, their text books and discipline, the condition of the school houses, sites, outbuildings and appendages, and, in general, into whatever concerns the usefulness and perfection of the public free schools under his supervision; examine the records and official papers of the school district, and teachers in relation to their duties, and call especial attention to any neglect or violations of any laws or regulations pertaining thereto; and, when necessary, take lawful measures to abate nuisances. Regulation 87.

It is the duty of the superintendent of public instruction to make tours of inspection among the public free schools throughout the State as often as consistent with his other official engagements, and, at his discretion, appoint persons to visit or examine all or any part of the public free schools in their respective counties of residence, and report to him touching all such matters as he may indicate respecting their condition and management and the means of improving them. No compensation may be made for such services. It is also his duty to keep on file in his office, open to inspection by all persons concerned, copies of his decisions and those of the State Board of Education, and to preserve in convenient arrangement all documents, books or pamphlets on educational subjects, school books, apparatus, charts, etc., furnished gratuitously for public use or purchased for use of his office, and to provide a suitable seal for the authentication of official documents. Regulation 1(5) (7) (8) (10).

It is the duty of teachers to visit and establish cordial relations with patrons of the school and enlist their coöperation in every effort to improve school conditions; to exert themselves to establish school libraries and to form local education associations and school improvement leagues. District trustees should aid teachers in maintaining discipline and in all movements intended to improve the schools and promote education, and the superintendent of public instruction and the division superintendents must endeavor by all proper means to promote an appreciation of and desire for education among the people. Regulations 1(1), 88, 108, 132.

ORGANIZATION, INSPECTION, CLASSIFICATION, AND REGISTRATION OF SCHOOLS, COLLEGES, AND UNIVERSITIES

“The public free school system of Virginia under the control of the State Board of Education shall consist of common schools and high schools.” Regulation 110.

“No institution in Virginia shall be registered as a university, college, normal school, junior college, or high school for the issuance of certificates to graduates of such school until it has been inspected by a representative of the State Board of Education and the board has acted favorably upon the report of its representative.” Regulation 21.

“Any institution which, after being registered by the State Board of Education, fails to comply with the regulations of the board, shall be removed from the list of registered institutions.” Regulation 21.

“Such State inspectors of schools as may be necessary shall be appointed by the board, upon nomination of the Superintendent of Public Instruction, and shall serve at the pleasure of the board or the Superintendent. They shall perform such duties as the Superintendent may prescribe, and their compensation shall be fixed by the board.” Regulation 68.

Number of Pupils Required to Form a Public Free School

“An enrollment of at least twenty pupils, with reasonable assurance of an average daily attendance of that number, is required to constitute a public free school, and no public school may be established or continued until this condition is complied with,” except under the following conditions:

1. When a board of district school trustees is satisfied that there are not enough children in a school neighborhood to entitle them to a school under the restrictions of the foregoing paragraph, and that the geographical difficulties are such that no judicious arrangement of schools can be made to furnish the minorities proper school facilities, such board may certify a statement of the case, with a diagram of the section, to the division superintendent. It then becomes the duty of the superintendent to forthwith visit the section in question, and if he finds the statements made are correct, and that no proper arrangement can be made to overcome the difficulties presented, he may authorize the board of trustees to reduce to fifteen the average attendance required of such school.

2. In cases where the average attendance is reduced by a factious spirit on the part of one or a few people, or in consequence of the proper or necessary exercise of discipline, prevalence of contagious diseases, or lack of proper supply of text books, schools may, in the discretion of the school trustees, be continued; provided that all such cases are reported to the division superintendent and approved by him in writing.

3. In special cases the superintendent of public instruction, in his discretion, may, on the recommendation of the division superintendent, order such a school opened where an average of ten can be maintained.

Regulation 123.

Consolidation of Schools

It is the duty of district school boards to coöperate with division superintendents in preventing the establishment and maintenance of small, ungraded rural schools, unless such schools are absolutely necessary. Whenever it can be done, several small schools should be combined into one good graded school, with two or more teachers and a longer term. Regulation 109.

Standard of Requirements for High Schools

"Three distinct courses are prescribed for the three classes of high schools: the third grade school with a two-year course; the second grade school with a three-year course, and the first grade school with a four-year course.

"The requirements outlined for the primary and grammar schools must be fully completed before any student is admitted to the high school.

"The amount of work to be accomplished by each grade of school is expressed in units and the value of each subject is likewise indicated in units. *A unit means a recitation period of forty minutes, five times a week, for thirty-six weeks, devoted to the completion of an assigned amount of subject matter.*"

Regulation 114.

The five-hour units hereafter mentioned are the units defined in the regulations regarding admission to the University of Virginia. Regulation 62.

"A unit represents a year's study in any subject in a secondary school, constituting approximately a quarter of a full year's work."
U. Va. Record, New Series, Vol. 1, No. 4, February 1, 1915, p. 81.

Third Grade High Schools—

Third grade high schools must require not less than eight nor more than ten units for the completion of the course offered, distributed as follows: English, 2; Mathematics, 2; History, 1; Science, 1; Electives, 2.

Such schools may be conducted only where an enrollment of not less than fifteen pupils can be maintained in the high school department of a school which employs the entire time of at least three teachers; the full time of at least one of them given to teaching high school subjects, the time of the other two to instruction in the elementary grades, and a minimum of one period of forty minutes three times a week given by the principal to observation and supervision.

Regulation 115.

Second Grade High Schools—

Second grade high schools must require not less than twelve nor more than fourteen units for the completion of the course offered, distributed as follows: English, 3; Mathematics, 2; History, 2; Science, 2; Electives, 3.

Such schools may be conducted only where an enrollment of not less than twenty-five pupils can be maintained in the high school department of a school which employs the full time of at least one teacher, in addition to the principal, in teaching high school subjects, and in which at least two teachers give their entire time to instruction in the elementary grades, and a minimum of one period of forty minutes a day is given by the principal to observation and supervision. Where the number of pupils in the elementary grades exceeds seventy, one additional teacher must be provided for each thirty-five additional pupils.

Regulation 116.

"While the thirty-six weeks' term is urged for both the second and third grade high school, nevertheless, where the conditions seem to demand it, the term may, with the consent of the Department of Public Instruction, be reduced to thirty-two weeks. In such cases, however, *eight* grades should be provided below the high school."

"In case of reduction either of the weeks in the term or of the minutes in the recitation, the value of the work as expressed in units shall be reduced *pro rata*."

Regulation 114.

First Grade High Schools—

First grade high schools must require not less than sixteen nor more than eighteen units for graduation, distributed as

follows: English, 4; Mathematics, 3; History, 2; Science, 2; Electives, 5; with recitation periods forty minutes in length during terms of thirty-six weeks each.

Such schools may be conducted only where an enrollment of thirty-five pupils can be maintained in the high school department of a school in which the full time of at least two teachers, in addition to the principal, is given to teaching high school subjects; in which at least three additional teachers give their entire time to instruction in the elementary grades, and a minimum of two periods (80 minutes) each day is given by the principal to observation and supervision. Where the number enrolled in the elementary grades exceeds 100, one additional teacher must be provided for each thirty-five additional pupils.

Regulation 117.

"No reduction in the length of the term or of the recitation period may be made in the high school department of a first grade high school, but, where conditions seem to demand it, the elementary grades of the high school may be reduced to thirty-two weeks, provided *eight* instead of seven shall be provided in the elementary department of the high school." Regulation 114.

In all three classes of high schools there must be kept in permanent form a standard system of records of the work of each pupil.

When the texts selected for use in science are those indicated in the list of high school text-books as requiring laboratory, ample laboratory equipment and instruction must be provided.

All teachers in the high school department must hold certificates authorizing them to teach the high school subjects or grades assigned to them.

Teachers holding Second and Third Grade Certificates, and teachers without experience holding High School Certificates must not be allowed to teach in the elementary departments of first and second grade high schools.

Regulations 115, 116, 117.

No exception to, or modification of, the above requirements will be allowed, except in those schools where financial and educational conditions are so unusual as in the opinion of the Department of Public Instruction to warrant the making of special provisions for them. In each case, however, any and all exceptions to the requirements must be approved in advance by said Department. Regulation 117.

Minimum Requirements for a First Grade Normal Training High School—

The minimum requirements for a first grade normal training high school are as follows: English, 4 units; Mathematics, 3 units; History, 2 units; Science, 2 units; Normal Training work, 3 units; Electives, 3 units.

The Normal Training work may be introduced into only such first grade high schools as employ the entire time of two teachers in high school work, in addition to a special normal training teacher whose training and salary are approved by the Department of Public Instruction, and where a class of not less than eight pupils is enrolled for the training course.

The equipment of the school must include a reference library, costing not less than \$50.00, and adequate maps, globes, and apparatus, all approved by the Department of Public Instruction.

The pupils in the third and fourth year high school classes shall be admitted to the normal training classes, according to the prescribed course of study.

Regulation 118.

Classification of Academic Institutions Above the Grade of High School

Only three grades of academic institutions above the grade of high school are recognized in Virginia, viz.: the junior college, the college, and the university. Regulation 66.

Junior College—

“An institution to be registered as a junior college must present satisfactory evidence that it is doing at least the freshman and sophomore work of a standard college. The junior college may confer a diploma of graduation, but may not confer any titled degree.” Regulation 66.

College—

“An institution to be registered as a college must have at least six professors giving their full time to college work, a course of four full years in liberal arts and sciences, and must require for admission the completion of the curriculum of a standard high school with a four years' course, or, in other terms, the completion of a course equivalent to at least fourteen five-hour units, in addition to the usual pre-academic or grammar school studies.” Regulation 61.

University—

The State Board of Education "will register as a university an institution (a) which requires for admission the completion of the curriculum of a standard high school with a four years' course, or, in other terms, the completion of a course equivalent to not less than fourteen five-hour units; (b) which contains as a part of its organization a college of literature and science, as defined above; (c) which contains one or more professional schools, as parts of its organization, in each of which an adequate professional course, based upon a preparation not less than that represented by the completion of a standard four-year high school course is offered; (d) which contains a graduate-school, as a part of its organization, in which adequate courses leading to the degree of master of arts and doctor of philosophy are offered." Regulation 60.

Conditioned Students—

No college or university may admit a student under twenty years of age to partial standing as a conditioned or irregular student unless he can offer at least ten five-hour units, as defined on p. 230; and a student so admitted must absolve the units on which he is conditioned within two years of the date of his registration. No work counted toward the removal of entrance conditions can also be counted for a degree. Regulation 63.

Special Students—

A student at least twenty years of age may be admitted as a special student, not a candidate for a degree, to a university or college, without satisfying in full the requirements for entrance to a college or university, either as a regular or a conditioned student, as set forth above; provided he is not admitted to classes requiring entrance examinations without passing such examinations, and that he gives proof of adequate preparation for the course sought. Regulation 64.

Advanced Standing—

Advanced standing may be granted by a registered college for work done at a secondary school only upon written examination by the college on the work in question, held before the student is admitted to such advanced class. A candidate may, however, be admitted to the advanced class tentatively if such examination is held within four weeks after his provisional entrance;

but if he fails on the examination, he must at once take up in the regular college class the work for which credit was requested. Regulation 65.

High Schools Receiving State Aid

Subject to general supervision and confirmation by the State Board of Education, the privileges of a high school receiving State aid must be offered upon a fair and equitable basis by the district in which located to all other districts in the county which share jointly in its support. Regulation 113.

Night Schools and Evening Classes

Night or evening schools or classes may be established and conducted by district schools boards upon such terms and conditions as the division superintendent may approve.

Pupils in such schools and classes must submit to the regulations of the schools and the authority of the teachers in like manner as other pupils.

Regulations 126(b), 127.

Courses of Study for the Common and High Schools

In addition to the courses of study prescribed by the General Assembly, manners must be taught, and local school boards may provide for the introduction of music, nature study, manual training, and elementary agriculture. A graded course of study, as uniform as practicable and embracing all the required common school branches, should be adopted for all the schools in each division.

In the high schools the studies in the prescribed course must be taught.

Regulations 111, 112.

School Age

In cases where their admission will not cause the exclusion of any child between the ages of seven and twenty, or be detrimental to the schools or any of their pupils, persons between twenty and twenty-five years of age may be admitted by the district boards to the public schools upon such terms and conditions as the division superintendent may approve, subject in like manner as other pupils to the regulations of the schools and the authority of the teachers. Regulations 126(a), 127.

Distribution of Pupils by Districts

Unless forbidden by Act of Assembly, pupils may in all cases be admitted by the proper authorities into the high or graded schools of more than one teacher without reference to the dividing line of districts or counties. In this and all other cases where pupils attend, in accordance with State Board regulations, schools outside of their own districts, the rate of tuition to be charged by the district receiving the pupils to the district in which they belong must be a matter of previous agreement between the school boards of the two districts concerned. Regulation 124.

"Whenever a school is so situated in one district that it may be advantageous for children of an adjoining district in another county to attend it, with the approval of the superintendent of the division in which the school is located, the board of the district from which such children attend shall, in the absence of agreement or when no agreement can be reached, pay to the district in which the school is located, for each of such children attending said school, the cost of education per pupil enrolled, as determined by the division superintendent; provided that any person interested, or either of the district boards concerned, may appeal to the superintendent of public instruction, either as to the attendance of such pupils or the cost of education as aforesaid. Regulation 125.

CERTIFICATION OF TEACHERS FOR THE PUBLIC FREE SCHOOLS OF VIRGINIA

"No teacher may legally be elected or paid by any school board in this State unless his application is accompanied by a statement from the division superintendent of the county or city in which he desires to teach that the said teacher holds a Virginia certificate in full force and effect, duly endorsed by the division superintendent." Regulation 18.

"District boards shall not enter into a contract with any person to teach a public school until said person presents a certificate of as high grade as the school for which he applies." Regulation 96.

NOTICE TO TEACHERS!

"Applicants for certificates are particularly notified that the terms upon which any certificate is to be renewed will be the terms stated in

the latest regulations and published literature of the State Board of Education at the time the certificate is presented for renewal, provided that every teacher will be allowed opportunity to adjust himself to any new terms or conditions and will be credited with work done under previous conditions as justice and equity may require." Regulation 59.

The above notice is quoted from the edition of "Virginia School Laws" issued by the Department of Public Instruction in November, 1915.

All statements respecting the certification of teachers given in the following pages are taken or quoted from the Regulations of the State Board of Education as published in said volume, which, as of November 1, 1915, is the latest authority on the subject. The State Board of Education has the power, however, to make, publish, and enforce other regulations at any time, and teachers are, therefore, cautioned to remember the above notice and keep themselves informed of all changes at any time made in school regulations.

General Provisions Applicable to All Certificates

No certificate in Virginia issued since April 1, 1912, is valid unless issued by the Department of Public Instruction. Regulation 14.

Every certificate must bear on its face the term for which, and the basis upon which, it is issued, and must state the grade and character of school in which the holder is entitled to teach. Regulation 16.

To be valid in a particular county or city, a certificate must be endorsed by the division superintendent thereof. He may for sufficient reason refuse to endorse it, but his action in every such case must be promptly reported to the superintendent of public instruction, with the reasons therefor. Every certificate is liable to revocation by the division superintendent for cause, subject to appeal within sixty days to the superintendent of public instruction. Regulations 17, 19, 20.

Any certificate on which an alteration or erasure appears must be taken up by the division superintendent and forwarded to the Department of Public Instruction. Regulation 56.

Every applicant for a school must send his certificate for endorsement to the division superintendent, whose duty it is to endorse it and return it promptly with a statement showing that it is or will be valid in his division for the year in which the

applicant desires to teach. The certificate is then retained by the applicant and the *statement of the division superintendent* forwarded to the clerk of the school board to be retained among his official papers as evidence of authority to elect and contract with the applicant. Any superintendent who knowingly permits a person to teach in his division without a valid certificate duly endorsed as aforesaid is subject to a fine of \$25.00, to be imposed by the State Board of Education and deducted from his salary. Regulation 18.

Every division superintendent must keep a register of applicants for certificates to teach in his division in such form as the superintendent of public instruction may prescribe. Regulation 13.

Certificates to Graduates or Students of Registered Schools and Colleges

Applications for certificates to graduates or students of registered schools and colleges must come, in all cases, through the principal or president of the school, except that in the case of a registered high school the application must come through the division superintendent. Suitable blanks will be furnished to these officers by the Department of Public Instruction. Regulation 15.

Certificates Issued on Examinations

A State Board of Examiners must be appointed, upon nomination of the superintendent of public instruction, by the State Board of Education, to serve at its pleasure, for the compensation fixed by it. The duties of said examiners are fixed by the superintendent of public instruction, the chief of them being to prepare under his direction questions for examinations of applicants for certificates to teach and to pass finally upon the answer papers of such applicants. Regulation 2.

Two uniform examinations are held each year in the various school divisions for the benefit of applicants for positions as teachers in the public free schools of the State—one in April and the other in July, when there must likewise be offered examinations on the Reading Course for the extension of certificates and on high school and special subjects. Examinations are also held annually in July at the State Summer Normal Schools. Regulation 3(1) (2) (3) (4).

Examinations held in the various school divisions must be given under the supervision of the division superintendents; those at the summer schools under the conductors thereof. All examinations must be conducted under such regulations and held on such dates as the superintendent of public instruction may prescribe, due notice of the dates to be given by him. Division superintendents are required to give at least 30 days' advance notice of the time fixed for examinations to be held in their respective divisions. Regulation 3(5) (6) (7).

Examination questions must be sent under seal to the division superintendents by the Department of Public Instruction. Regulation 4.

No applicant under eighteen years of age may be permitted to take the examinations, and applicants for first grade certificates must be nineteen years of age. Regulation 6.

The subjects embraced in uniform examinations are as follows: First day: geography, spelling, grammar and composition, theory and practice of teaching, civil government, and reading. Second day: drawing, physiology and hygiene, arithmetic, history of Virginia, and United States history. Third day: elementary algebra, science, and English or general history. Writing will be graded from examination paper Form E, No. 2. Regulation 5.

All certificates issued on examinations must be based on questions prepared and papers graded by the State Board of Examiners, as the superintendent of public instruction may direct, and those issued on the uniform examination must state the branches upon which the holders have been examined. Regulations 14, 16.

It is important that applicants notify the division superintendent at least two weeks in advance of examination. Regulation 7.

See pp. 160-163 and 205, 206, "Virginia School Laws," for further details.

A COMPLETE LIST OF CERTIFICATES ISSUED FOR TEACHERS IN THE PUBLIC FREE SCHOOLS OF VIRGINIA

DIVISION I

Certificates Entitling the Holders to Teach Only in the Elementary Schools

Group A. Certificates Based on Work Completed in Accredited Schools and Colleges—

A-1. *First Grade High School Certificate*, granted to a graduate of any Virginia high school having the four-year course of study (16 units), prescribed and approved by the State Board of Education for an accredited first grade high school.

This certificate is also granted: (a) to a graduate of any Virginia private preparatory school which has a course fully equivalent to the course required for an accredited first grade high school, and which has been duly inspected and accredited by the State Board of Education; (b) to a student who completes at least one year of standard college work (15 hours) in a registered college or a junior college in Virginia.

Regulation 42.

A-2. *Second Grade High School Certificate*, granted to a graduate of a Virginia high school having only a three-year course of study (12 units), prescribed and approved by the State Board of Education for an accredited second grade high school. Regulation 43.

A-3. *High School Training Certificate*, granted to a student completing the course of study prescribed for a normal training high school, which in every case requires four units in English, three in mathematics, two in history, two in science, three electives, and three in normal training. Regulation 38.

A-4. *Junior State Normal Certificate*, granted to a student completing one (junior) year of professional work in a registered State normal school—not less than twenty hours per week during the year—when the course is based upon a standard four-year high school course, which must in every case represent not less than sixteen units of work. Regulation 35.

A-5. *Normal Industrial Certificate*, granted to the holder of a diploma from a registered normal school which requires at

least two years of combined professional and industrial work—not less than twenty hours per week during each year—based upon the standard two-year high school course, which must in every case represent not less than eight units of work. Regulation 36.

A-6. *Professional First Grade Certificate*, granted to the holder of a Virginia first grade certificate issued under the provisions of No. C-1 since July 1, 1906, who completes the prescribed course in the normal training department of a first grade Virginia high school, or one year of professional work in a registered Virginia normal school. Regulation 40.

The Old Professional Certificate, issued upon the professional course of study prescribed by the State Board of Education in 1905 and revised in 1907, may be renewed as a Professional First Grade Certificate, under the general provisions for the renewal of certificates, given on p. 252. Regulation 52.

The Elementary Professional Certificate, formerly granted upon completion of one year of professional work in a registered State normal school based upon a standard three-year high school course, has been discontinued, but the holder may have it renewed as a Professional First Grade Certificate under the general provisions for the renewal of certificates, given on p. 252. Regulation 37.

A-7. *Elementary Certificates*, granted to the graduates of such *colored* secondary schools as have completed, in addition to the seven grades of elementary work outlined in the State requirements, two years of high school work of eight units.

The course offered must include the following subjects: (1) English: grammar, composition and literature; (2) mathematics: elementary algebra to quadratics, review of arithmetic; (3) American history and civics; (4) hygiene and sanitation; (5) school management and methods; (6) industrial work, which must occupy not less than 80 minutes a day throughout the high school course and count for one unit in each year's work. Regulation 46.

The holder of this certificate is qualified to begin work for the Industrial Second Grade Certificate (No. B-2) after one term of successful teaching experience in the public schools of Virginia.

Group B. Summer School Certificates—

The following general provisions apply to all work done for Summer School Certificates:

(a) The courses must be taken at a summer school conducted at a registered college or normal school in Virginia, or, in the

case of work for Summer School Professional Certificates, in out-of-State schools whose professional courses have been approved and registered by the State Board of Education.

(b) Five months' actual teaching experience is a condition precedent to entering upon the work prescribed for said certificate.

(c) The certificates which entitle their holders to enter upon the courses of study prescribed for summer school certificates must be filed with, and approved by, the conductor of the summer school before the applicant may be registered and admitted to classes. Such certificates may be revived or extended for one year from time to time, provided the holder completes successfully that portion of the professional work prescribed for the year during which the extension is applied for, but no certificate which has expired may be revived for more than one year upon the basis of completing any one year of professional work. Regulations 39-41.

(d) Applicants must make at least 75% on class standing and examination on the subjects required for the certificate, and the work must cover at least three terms of four weeks each, or two terms of six weeks each, occupying a minimum of 300 recitation periods of at least forty minutes each, provided that courses of college grade must occupy a minimum of 180 recitation periods of at least sixty minutes each. Regulations 39, 41, 45.

B-1. *Summer School Professional Certificates*, granted in *Primary, Grammar and Advanced Grades*, upon completion of the following prescribed courses, within a period of five years from the date of beginning if taken in summer terms of four weeks each, and in four years if taken in summer terms of six weeks each. Regulation 39.

The work required for the *Advanced Grade* is open only to holders of Virginia First Grade Certificates (No. C-1) or of Virginia First Grade High School Certificates (No. A-1), but the work required for the *Primary and Grammar Grades* is open also to holders of Special First Grade Certificates (No. C-2). Regulation 39, and footnote p. 169 "Virginia School Laws."

The courses which must be completed to secure the Summer School Professional Certificates in these several grades are as follows:

Primary Grade: Principles of teaching, with special emphasis on how to study, hygiene, drawing, primary industrial work, music and games; primary methods in reading, language, arithmetic, nature study and geography, observation work and practice teaching. Regulation 39(a).

Grammar Grade: Principles of teaching, including how to study, hygiene, drawing, manual training or domestic economy or elementary agriculture and school gardening; methods of teaching language, reading, literature, arithmetic, civics, history, and geography; advanced observation work and practice teaching. Regulation 39(b).

Advanced Grade: The following courses of college grade: Two required courses—English and education; four elective courses—to be chosen from any of the following branches: Agriculture, biology, field botany, chemistry, domestic economy, drawing, French, geography, German, history, hygiene and sanitation, Latin, literature, library methods, manual training, mathematics, music, philosophy, physics, and psychology. Regulation 39(c).

B-2. *Industrial First Grade Certificate*, granted to holder of a Virginia First Grade Certificate (No. C-1), First Grade High School Certificate (No. A-1), or Special First Grade Certificate (No. C-2), who enters upon and completes, within five years from date of beginning, the following course upon the conditions set forth in sub-secs. a, b, c, d; pp. 241-2.

The course must embrace: arithmetic (primary and grammar grades), American history, civics (with special reference to community life), English composition (including spelling, penmanship, punctuation, and grammar), geography (primary and grammar grades), hygiene, principles of teaching (with special emphasis on how to study), methods in teaching arithmetic, reading and language, agriculture and any three of the following: bench work, cobbling, cooking, poultry raising, sewing and household handicrafts, including glazing, mending tinware, whitewashing, and chair mending. Regulation 41.

B-3. *Industrial Second Grade Certificate*, granted to the holder of a Second Grade or Elementary (colored) Certificate who has completed the same course, within the same period, and upon the same conditions required by the Industrial First Grade Certificate, the only difference being that in this case the

course is open to the holder of a Second Grade or Elementary (colored) Certificate, which may be extended for one year from time to time, provided the holder has completed successfully at least one-fourth of the required reading course during the year that the extension is applied for. (See p. 253 for Reading Course). Regulation 45.

This certificate is regarded as being of intermediate rank between the First and Second Grade Certificates (Nos. C-1 and C-3). Regulation 58.

Group C. Elementary Certificates Granted Upon Results of Examination—

First, Second, and Third Grade Certificates may be secured under examinations, the grade being determined by the percentage made on the required subjects.

DIVISION OF EXAMINATIONS

“An applicant may take part of the examination for a First, Second, or Third Grade Certificate in the spring and the remainder in the summer, provided he attends a summer school or institute for at least twenty days in the meantime.” Regulation 55(a).

The privilege of dividing the examination for a First, Second, or Third Grade Certificate is also granted to an applicant who completes in a satisfactory manner 100 recitation periods of at least forty minutes each, in the prescribed subjects, during the spring course of a normal training high school or during the regular term of a registered normal school; provided the course is approved by the Department of Public Instruction. The first part of the divided course may be taken at either the spring or summer examination next succeeding the spring course in the normal training high school or State normal. If taken at the spring examination it may be completed at the summer examination, or at the following spring or summer examination, without attendance upon a summer school or institute. Regulation 55(d).

Only two examinations may be combined for a Second or Third Grade Certificate, but when a teacher, by a combination of two examinations, has made an average of 85% on the 12 subjects required for a Second Grade Certificate, and has not fallen below 70% on any subject, he may combine these grades with a third examination on the three added subjects required

for a First Grade Certificate, i. e.: elementary algebra, either physical geography or agriculture, and either general or English history; provided that one of the examinations is taken at a summer normal after an attendance of twenty days thereon, and that the third examination is taken within fifteen months of the second. Regulation 55(e).

C-1. *First Grade Certificate*, granted to applicants not less than nineteen years of age, who have had nine months' successful experience in teaching, and make an average of at least 85% on the following subjects: Spelling, reading, writing, arithmetic, elementary algebra to quadratics, grammar (including composition), geography, history of the United States and of Virginia, civil government (including the government of Virginia), drawing, theory and practice of teaching, physiology and hygiene, one branch of science (either physical geography or elementary agriculture), and one division of history (either general or English), and who do not fall below 70% on any subject. Regulation 44.

An applicant who makes the First Grade average on the required subjects, but who has not had the requisite experience, will be issued a Second Grade Certificate, which may be changed to a First Grade Certificate after nine months of successful teaching. Regulation 44.

A First Grade Certificate issued by a division superintendent of schools, which has finally expired, may be exchanged for a new first grade certificate, provided the holder passes the examination on the additional subjects now required to secure it, i. e., elementary algebra to quadratics, general or English history, and either physical geography or elementary agriculture. Regulation 44.

A First Grade Certificate and a First Class High School Certificate are of equal rank. Regulation 58.

C-2. *Special First Grade Certificate*, issued in 1908 to every Virginia teacher who had held a First Grade Certificate for six years immediately prior to 1907, and who presented to the State Board of Examiners satisfactory evidence of successful experience in the public schools of Virginia for that period, accompanied by a recommendation from the superintendent of schools of the division in which he last taught. Regulation 53(a).

This service certificate was issued to lessen any friction or shock occasioned by the transition in 1905 from a county to a State system of certification.

C-3. *Second Grade Certificate*, issued to applicants not less than eighteen years of age, who make an average of not less

than 75% on business forms and the subjects required for a first grade certificate, *except* algebra, science, and general or English history, and who do not fall below 70% on any subject. Regulation 47.

C-4. *Third Grade Certificate*, issued to applicants not less than eighteen years of age, who make an average of not less than 60% on the subjects required for a second grade certificate, except drawing and the theory and practice of teaching, and who do not fall below 45% on any subject. Regulation 48.

No teacher holding a third grade certificate may be elected or chosen in any case if a teacher holding any certificate higher than third grade is available. Regulation 25.

C-5. *Provisional Certificates*, issued on division of examinations upon the following conditions:

(a) *Provisional First Grade Certificates*, granted to applicants availing themselves of the privilege of a division of examinations, who take, first, one-half or more of the required subjects for a First Grade Certificate at the summer examination immediately at the close of the summer school or institute where they have been in attendance for at least twenty consecutive days (100 recitation periods of at least 40 minutes each), and who attain not less than 85% on each of seven of the subjects required for a First Grade Certificate, including arithmetic and grammar—all other requisites being fulfilled.

(b) *Provisional Second Grade Certificates*, granted to applicants who, under the same conditions controlling in the case of a Provisional First Grade Certificate, attain not less than 75% on each of six of the subjects required for a First Grade Certificate, including arithmetic and grammar.

An examination so begun must be completed at the next spring or summer examination, when the results of both examinations will be combined and an appropriate certificate, bearing the date of the provisional certificate, issued under the general rules and regulations pertaining to certificates. Only two examinations may be combined, and in every case they must be taken within fifteen months of each other—the first one at a summer school, as above provided. Regulation 55.

DIVISION II

**Certificates Entitling Holder to Teach All the Elementary Branches,
But Only the High School Branches Named in the Certificate****Group D. Certificates Based on Work Done in Accredited School or College—**

D-1. *Certificate on Partial Completion of College Course*, granted to a student of any accredited university or college without further examination in any branch in which he holds a diploma or certificate from such college or university granted for the completion of at least two years of work of college grade. Regulation 50(b).

Group E. Summer School Certificates Recognized in High School Work—

E-1. *Summer School Professional Certificate—College Grade*—granted upon the completion of the course prescribed in any of the following branches, to the holder of a Virginia First Grade Certificate giving satisfactory evidence of having completed the equivalent of a standard four-year high school course, or of a Virginia First Grade High School Certificate. Before any applicant can be registered and admitted to classes his certificate and other credentials must be presented and approved by the conductor of the summer school.

The courses prescribed in any of the branches hereinafter stated for this certificate must embrace no work unless it be of college grade, requiring minimum hours or recitation periods of sixty minutes each; they must be taken in a summer school at a registered college or university, and must be completed within a period of three years from the date of beginning, and in all cases a statement from each professor under whom the course is pursued, to the effect that the applicant is highly proficient in his branch, must accompany the final report.

This course may not be given at any school in Virginia unless specially mentioned and advertised in its literature, and no supposedly equal course at any other than a designated summer school will be recognized or accepted by the Department of Public Instruction.

The following "Content Table" gives the number of hours or recitation periods required in each branch, and, in addition thereto, the applicant must complete a course of thirty hours in educational psychology and the principles of teaching:

Content Table: Agriculture, 90 hours; Botany, 60 hours; Chemistry, 150 hours, of which 60 hours must be laboratory work; Drawing, 90 hours; English, 120 hours, including 30 hours in English Grammar, 30 hours in Rhetoric and Composition, and 60 hours in English and American Literature; Domestic Science, 90 hours; French, 90 hours; German, 90 hours; History, 120 hours, including 60 hours in General History, 30 hours in English History, and 30 hours in American History and Civics; Latin, 90 hours, including a review of Cæsar, Cicero, and Virgil; Manual Training, 90 hours; Mathematics, 120 hours, including Algebra, Plane and Solid Geometry, and Plane Trigonometry; Music, 90 hours; Physics, 150 hours, of which 60 must be laboratory work; Physical Geography, 60 hours; Zoölogy, 60 hours.

Regulation 50(d).

Group F. Certificates Granted Upon Results of Examination—

F-1. *Special Certificate on State Examination*, granted to an applicant who passes a successful examination, making an average grade of not less than 80% on one or more high school subjects, *entitling the holder to teach all the elementary school branches, but only the high school branches named in the certificate*. Regulation 50(c).

These examinations are prepared by the Department of Public Instruction, and requests by applicants for the April examination must be sent to the Department not later than March 15th, and for the July examination not later than June 15th, of the year in which held, stating the subjects they intend to take and the county or city to which the questions should be sent. Similar notice should be given the superintendent of the division in which the examination is to be taken. An applicant may take as many subjects as he desires.

These subjects will be given in each regular State examination as follows:

First day: English (grammar, rhetoric and composition, English and American literature), French (grammar and translation), German (grammar and translation);

Second day: Mathematics (algebra, plane and solid geometry), science (physical geography, botany, agriculture, zoölogy, physics and chemistry);

Third day: History (ancient, mediæval and modern, English and American, and civics), Latin (grammar and composition, translations of Cæsar, Cicero, and Virgil).

The separate subjects mentioned (except science) must be taken in their entirety.

An average of 80% on the whole, with a minimum of 70% on any subdivision of each high school branch, is required, except in the case of science, in which a special certificate may be issued on each subdivision, provided the grade be 80%. Regulation 50(c).

Group G. Special Certificates—

G-1. *Special Service Certificate*, issued to teachers who for at least three years prior to July 1, 1913, had successfully taught any high school branch while holding any of the following certificates: Junior State Normal (A-4), High School Training (A-3), Summer School Professional (B-1), Professional First Grade (A-6), Industrial First Grade (B-2), High School (A-1), or First Grade (C-1). It is restricted to the branches actually and successfully taught as named in the certificate. Regulation 53(b).

This system of certificates was established in 1912-1913 as a further step toward bringing the high schools of the State under a regular system of certification.

DIVISION III

Certificates Entitling Holder to Teach Both High and Elementary School Branches

Group H. Certificates Based on Work Completed in Accredited Schools and Colleges—

H-1. *Professional University Certificate*, granted to the holder of a degree from a graduate school of a registered university based upon a curriculum which requires at least ten per cent of professional work for such degree. Regulation 26.

H-2. *Professional Collegiate Certificate*, granted to the holder of a baccalaureate degree from a registered college based on a curriculum which requires at least ten per cent of professional work for such degree. Regulation 27.

H-3. *University Certificate*, granted to the holder of a degree from a graduate school of a registered university. Regulation 30.

H-4. *Collegiate Certificate*, granted to the holder of a baccalaureate degree from a registered college or university. Regulation 31.

Recognition of Universities and Colleges in Other States—

“a. A degree from a university located outside of Virginia, which is a member of the Association of American Universities, or of the National Association of State Universities, shall be accepted as a basis upon which a university or collegiate certificate may be issued.

“b. A university or collegiate degree of a college outside of Virginia, which is accepted by a member of the Association of American Universities as a basis for graduate work to the same extent as the degree of the same name granted by the said member of said Association, shall be accepted as a basis upon which a university or collegiate certificate may be issued; provided a record of the work completed is furnished the Department of Public Instruction by the president or registrar of the institution from which the applicant is graduated.”

Regulation 22.

Recognition of work done prior to Registration of Institution—

Any applicant for a teacher's certificate, who graduated from a registered college or a junior college prior to the registration of that institution, must be required to submit from the president of the college, the course completed, which, if found equivalent in grade and content to the present course, will be accepted as the basis on which a certificate may be granted.

Graduates from higher institutions of Virginia, or other States, who apply for certificates to teach, may receive credit for any college or normal work done since 1890. The Department of Public Instruction is authorized to accept for credit such courses as, since this date, meet the requirements laid down in the regulations governing certificates.

Recognition of Foreign Institutions—

Graduates of foreign institutions applying for Virginia Certificate Credits must be allowed proper credit in the discretion of the superintendent of public instruction after an investigation of the standing of their schools.

Regulation 67.

H-5. *Junior College Certificate*, granted to the graduate of a registered institution in Virginia which does not comply fully with the definition of a college, but which offers an approved four-year course, embracing at least the freshman and sophomore work of a standard college, and having as required subjects not less than one year's work of college grade in English, history, mathematics, and science. Regulation 34.

A *Junior College Certificate* may also be granted to an undergraduate in a registered college in Virginia who has completed two full years or more of college work, which must include at least one year of standard college work in English, history, mathematics, and science.

H-6. *State Military Institute Certificate*, granted to the graduate of a registered State military institute. Regulation 32.

H-7. *State Polytechnic Institute Certificate*, granted to the graduate of a registered State polytechnic institute. Regulation 33.

H-8. *State Normal School Certificate*, granted to the holder of a diploma from a registered State normal school which requires at least two years of professional work—not less than twenty hours per week during each year—based upon the standard four-year high school course, which must in every case represent not less than sixteen units of work. Regulation 28.

H-9. *City Normal School Certificate*, granted to the holder of a diploma from a registered city normal school which requires at least two years of professional work—not less than twenty hours per week during each year—based upon a standard four-year high school course, which must in every case represent not less than sixteen units of work. Regulation 29.

Group I. Certificates Granted Upon Results of Examination—

I-1. Life Diplomas were issued on rigid and comprehensive State examinations under the provisions of Regulation 29, p. 84 of the School Laws of 1901. These Life Diplomas are still in force and effect, and teachers holding them are authorized to teach in both high and elementary schools. Regulation 54.

Group J. Special Certificates—

J-1. *Special Certificates for Teachers of Special Branches* are granted to holders of First Grade (C-1) or High School (A-1) Certificates engaged to teach special subjects, such as kindergarten, nature study, or commercial branches.

The foregoing provisions also apply to a teacher of music, drawing, manual training, or domestic science, except that such teacher is not required to hold a First Grade or High School Certificate as a prerequisite to a Special Certificate.

No teacher may be granted this special certificate unless his training is shown to have been adequate for the duties he is expected to perform.

Special Certificates covering the various subjects taught in city night schools may be issued under the provisions of the foregoing paragraph.

A further exception is made in the case of an applicant for a Special Certificate to teach commercial branches, who may be permitted to take the regular State examination on arithmetic, grammar, and civil government, and to offer grades of not less than 85% on each of these subjects in lieu of presenting a First Grade or High School Certificate. Regulation 49.

Certificates Issued by Other States—

See Division III, Group H, for "Recognition of Universities and Colleges in Other States."

A State certificate—that is, a certificate issued by a State Board of Examiners or by a State superintendent—from a sister State may be recognized as a proper basis upon which to grant a Virginia certificate, provided the applicant furnishes the Department of Public Instruction with official information as to moral character, educational training, experience, and the basis upon which the out-of-State certificate was issued.

A certificate issued by a county or city superintendent in other States will not be recognized. Regulation 23.

EXTENSION OR RENEWAL OF CERTIFICATES

A certificate may be extended or renewed only by the Department of Public Instruction. Except under unusual or special circumstances no application for extension or renewal will be considered by the Department prior to April 1st or subsequent to September 15th of the year in which the certificate expires. All applications for the renewal or extension of certificates must be sent through the division superintendent of schools upon blanks furnished him for the purpose. Regulation 15.

Unless otherwise specifically stated, certificates will be granted only upon the following conditions:

"1. The holder must furnish evidence that he has been a successful teacher.

"2. He must make a written statement on the back of his certificate to the effect that he has read five books of the State Reading Course (giving the names of the books) during the life of the certificate to be renewed, or since its date of issue. These books may be chosen from any of those mentioned in the State Reading Course, whether adopted for the current year or not.

"3. In addition to the foregoing, he must either attend an approved summer school or institute for at least twenty consecutive days during the life of the certificate, or within sixty days after it expires, and must diligently pursue the course of study (taking not less than three classes) prescribed by the conductor of such school; or he must pass a successful examination on at least two of the books of the Reading Course, unless the History of Education is chosen, in which event no second book will be required."

No attendance upon a summer school which is used and counted in earning or completing a certificate may be offered for the renewal of said certificate.

Regulation 51.

Examination on the Reading Course for the extension of certificates must be given on the last day of both the April and July examinations. Regulation 3(3).

The Reading Course is intended for all teachers holding certificates. It is designed to give information and cultivate a professional spirit among teachers. The course for each session is published prior to the school year, and the examination thereon is held on the last day of the regular examination. It embraces questions only on the History of Education and the books adopted for the school year immediately preceding the date of the examination. Regulations 24, 51(4).

"It is the duty of teachers to improve themselves in the art of teaching by studying approved books on the subjects they are to teach, by attending summer normal schools, teachers' meetings, and reading circles, and by making themselves thoroughly acquainted with some of the best books on pedagogy, school management, and the history of education, and also by reading educational periodicals and pursuing such a course of general reading as will best tend to increase their knowledge and usefulness as teachers." Regulation 132.

RENEWAL PERIODS OF TEACHERS' CERTIFICATES

DIVISION I

Group A. Certificates—

A-4. *Junior State Normal*,

A-5. *Normal Industrial*, and

A-6. *Professional First Grade Certificates* continue in force for seven years, and may be renewed for a similar period from time to time. Regulations 35, 36, 40, 51.

A-3. *High School Training Certificates* continue in force for three years, at the end of which time, upon a satisfactory State examination, in History of Education and one book of the State Reading Course, together with satisfactory evidence that the holder has been a successful teacher, the certificate will be extended for four years, and thereafter may be renewed for a period of seven years from time to time, under the general provisions on p. 252. Regulations 38, 51.

A-1. *First Grade High School Certificates* continue in force for two years, *and are not renewable*, but may be extended from year to year, provided the holder pursues successfully one of the courses outlined for Summer School Professional Certificates, or Industrial First Grade Certificates, and completes that portion of the professional work prescribed for the year during which the extension is applied for. Regulations 42, 51.

A-2. *Second Grade High School Certificates* continue in force for one year and may not be renewed or extended or used as the basis of professional work at summer schools. Regulations 43, 51.

A-7. *Elementary Certificates* continue in force for one year and may be renewed for a similar period from time to time under the general provisions stated above. Regulations 46, 51.

Group B. Certificates—

B-1. *Summer School Professional Certificates in Primary, Grammar, and Advanced Grades*, and

B-2. *Industrial First Grade Certificates* continue in force for seven years and may be renewed for a similar period from time to time.

Regulations 39, 41, 51.

B-3. *Industrial Second Grade Certificates* continue in force for four years and may be renewed for a similar period from time to time. Regulations 45, 51.

Group C. Certificates—

C-1. *First Grade Certificates* continue in force for five years and may be renewed for a similar period from time to time upon satisfactory evidence that the holder has taught successfully for at least three of the five years in Virginia, and that the other general provisions for renewal have been complied with. Regulations 44, 51.

C-2. *Special First Grade Certificates* were continued in force for five years, with right of renewal for a similar period from time to time. Regulations 53, 51.

C-3. *Second Grade Certificates* continue in force for two years, and may be renewed *just once* for a similar period. Regulations 47, 51.

C-4. *Third Grade Certificates* continue in force for one year, and may not be renewed. Regulations 48, 51.

C-5. *Provisional Certificates, First and Second Grade*, continue in force for one year only and are not subject to renewal. Regulations 55, 51.

DIVISION II

Group D. Certificates—

D-1. *Certificates on Partial Completion of College Course* continue in force for five years and may be renewed for a similar period from time to time. Regulations 50, 51.

Group E. Certificates—

E-1. *Summer School Professional Certificates, College Grade*, continue in force for seven years and may be renewed from time to time for a similar period. Regulations 50(d), 51.

Group F. Certificates—

F-1. *Special Certificates on State Examination* continue in force for five years and may be renewed for a similar period from time to time. Regulations 50(c), 51.

Group G. Certificates—

G-1. *Special Service Certificates* continue in force for five years and may be renewed for a similar period from time to time. Regulations 53(b), 51.

DIVISION III

Group H. Certificates—

H-1. *Professional University*,

H-2. *Professional Collegiate*,

H-8. *State Normal School*, and

H-9. *City Normal School Certificates* continue in force for ten years and may be renewed for a similar period from time to time. Regulations 26, 27, 28, 29, 51.

H-3. *University,*

H-4. *Collegiate,*

H-6. *State Military Institute,* and

H-7. *State Polytechnic Institute Certificates* continue in force seven years and may be renewed for a similar period from time to time. Regulations 30, 31, 32, 33, 51.

H-5. *Junior College Certificates* continue in force five years and may be renewed for a similar period from time to time. Regulations 34, 51.

Group I. Certificates—

I-1. *Life Diploma.* Regulations 54, 51.

Group J. Certificates—

J-1. *Special Certificates for Teachers of Special Branches* continue in force for five years and may be renewed for a similar period from time to time. Regulations 49, 51.

TEACHERS

Teachers' Contracts—

The terms of the written contracts required by law between district school boards and the teachers they elect must be prescribed at a regular or called meeting of the board, and, unless the board designates some other member, must be executed by the clerk on its behalf.

These contracts must specify, among other things, the time of opening and closing the daily school session and the intermission to be given.

Boards of district school trustees must, immediately upon contracting with a teacher, report the fact in writing to the division superintendent, giving, in the form prescribed by the superintendent of public instruction, the teacher's name and post-office address, the number of the school he is to teach, and the amount of the salary agreed to be paid.

Failure to enter into written contract, in the form prescribed by the superintendent of public instruction, with any teacher employed in the district subjects the members of the district school board to a fine of not less than \$5.00 nor more than \$50.00 for each offense. Regulations 95, 96, 97, 98, 100.

Pay of Teachers—

The salary agreed upon and named in the contract between the district school board and a teacher, if confirmed by the

division superintendent, may not without his consent be increased or diminished during the year.

Except for such days as are declared holidays by district school boards, deduction may, in the discretion of the local school boards, be made from the pay of teachers for every day they lose.

In cases where a public school is closed for a sufficient cause before the expiration of the period for which it was required by contract to continue, the district school board has authority, with the written approval of the division superintendent, to pay as much of the teacher's salary as may be due for the time the school was taught.

Warants for the last month's pay of each teacher must be withheld until his register, properly written up, shall have been returned to the district clerk. Regulations 98, 101, 104, 130.

Teachers' Authority—

In addition to the duties and authority given by the General Assembly, teachers are required to demand of pupils punctuality and diligence, and, subject to such regulations as the district board may prescribe, they are empowered, in the enforcement of discipline, to inflict reasonable penalties. It is the duty of trustees to aid teachers in maintaining discipline. Regulations 108, 131.

Teachers' Character—

Due notice and an opportunity to be heard must be given by district school boards to any teacher or principal against whom charges involving character are made. Regulation 129.

Teachers' Meetings—

Teachers should exert themselves to form local education associations and school improvement leagues, and should visit and establish cordial relations with the patrons of the schools and enlist their coöperation in every effort to improve school conditions. It is the duty of school superintendents to promote the improvement and efficiency of teachers by all suitable and proper means and to labor in every practical way to elevate the standard of teaching in the public schools and improve their condition. To this end it is their duty to encourage and assist in the organization of county institutes and to preside over them and aid with their management. At least one county institute must be held during each school session. Regulations 88, 131.

Election of Teachers by Patrons—

“While the district board has full authority to employ teachers, the board may elect to submit the question of a teacher to the patrons of a school, in which case the proceedings shall be governed by the following regulations:

“First: The board shall call a meeting of the patrons by due proclamation and by posting a notice of the time and place of meeting, at least ten days before it is to be held, on the front door of the school house and at three of the most prominent and convenient places in the district. At this meeting the chairman, or some other member of the board, shall preside, if present; if no member of the board be present, the meeting shall elect a chairman and also a secretary.

“Second: The clerk of the district board shall provide the meeting with a list of patrons of the school, which list shall embrace the names of all those who pledge themselves to send their children to said school for the current school year.

“Third: The secretary of the meeting shall ascertain whether a majority of the children are represented. If they are, the chairman shall declare the meeting organized and ready to proceed with the election of a teacher for the school.

“Fourth: The election shall be by ballot unless otherwise determined by the meeting.

“Fifth: No teacher shall be eligible to be voted for unless he presents to the meeting a certificate of qualification issued to him according to law and in full force at the time of such meeting.

“Sixth: Before voting for a teacher, the patrons must pledge themselves to support the one selected by the meeting.

“Seventh: Immediately upon the adjournment of the meeting the secretary thereof shall report the proceedings to the chairman of the district board, who, if a teacher has been elected, shall cause a contract to be immediately given him by said board.

“Eighth: In case a majority of the children were not represented at the meeting, the board may either call another meeting or declare its determination to elect a teacher regardless of the action of the patrons; but if a majority of the children were represented at the meeting, then the board must be governed by its action.”

Regulation 99.

Assignment of Teachers—

Division superintendents in cities have exclusive authority to assign to their respective positions all teachers and principals employed by the school board, and to reassign them at their discretion, provided no change or reassignment affects the salary of any teacher.

Regulation 92.

Who may not Teach—

In addition to the restrictions in the employment of teachers fixed by the Code, §§ 1466(2) and 1538(3), the State Board of Education provides that no division superintendent of schools (except of city schools as provided on p. 36), no district school trustee, county treasurer, or deputy treasurer may teach a public school. Regulation 128.

TEXT BOOKS

The text books and all maps, charts, and other appliances used in the common and high schools of the State must be selected from the list and in accordance with the regulations prescribed by the State Board of Education, and no child may be allowed to remain in school unless provided with such text books. In order that pupils may be informed as to such books and their prices, division superintendents are required to see that there is furnished to each teacher, before the schools are opened, to be kept in the school room, a copy of the list of the prescribed text books and of the regulations concerning them. Regulations 119, 120, 121. See also 78.

HEALTH REGULATIONS**Medical Inspection of Schools**

The school boards of the cities and towns may, in their discretion, select and appoint medical inspectors of school children, who must report to and be under their control, and whose duties and compensation are fixed by said boards.

Regulation 133.

Rules and Regulations of the State Board of Health Governing the Public Schools

“Rule 11. Every building used for school purposes, public or private, shall comply with the State law regarding the

amount of cubic space per pupil and amount of fresh air to be supplied. (Chapter 56-V, Acts 1908.)

"The air in any school room at all times shall be kept in a wholesome condition, and exercises shall be suspended as often as necessary in order to renew the air in any room, the ventilation of which is defective.

"Rule 12. No school room shall be swept except after all school exercises have been concluded for the day.

"The floor of no school room shall be swept without first having been sprinkled with water or covered with damp sawdust or damp paper.

"All sweepings shall be removed daily from the school room.

"The furniture and woodwork of every school building shall be wiped down with an approved disinfectant solution at least once each month, and shall be wiped with a damp cloth at least once each week.

"Rule 13. Every room used for school purposes, public or private, shall be furnished at all times, when in use, with an adequate supply of drinking water of good sanitary quality. This shall be running water wherever same is available. If running water is not available a tank or cooler shall be supplied, furnished with a spigot; or a dipper shall be supplied, which shall be used only for dipping the water from such tank or cooler.

"In addition to the dipper there shall be furnished a cup or glass to be used only for drinking, and which shall not be used for dipping water from the tank or bucket, or any other purpose. The contents of every receptacle for drinking water must be renewed fresh every morning, and every receptacle, dipper, cup, or glass shall be well washed every morning and scalded with boiling water at least once each week.

"Rule 14. Every building used for public school purposes shall be furnished with two closets, one for males and one for females, separated as far as possible from each other, and so arranged to give the greatest possible privacy to persons using same.

"Buildings to which water and sewerage are available shall be provided with water closets and connected with the sewerage system. Where water and sewerage are not available, buildings shall be provided with dry closets, built and maintained in

accordance with the standard given in these regulations on dry closets. Such closets shall be at all times maintained in a clean and sanitary condition.

“Whereas many public schools in Virginia are not provided with proper sanitary conveniences, and whereas such conditions are dangerous to the health of pupils and to the public health—

“Therefore, be it ordered by the State Board of Health, That from and after September 1, 1912, no buildings shall be used for public school purposes in Virginia unless same shall be provided with two sanitary privies and maintained in accordance with regulations of this board.

“Be it further ordered, That officers and agents of the State Health Department are ordered to proceed with enforcement of this law in any case of violation of its provisions observed after September 1, 1912.”

Condemnation of Unhealthful School Houses

It is the duty of division superintendents to condemn as unfit to be longer used any school houses the occupancy of which, for any reason, is likely to endanger the health of the pupils. Regulation 87.

SCHOOL EXERCISES

The Daily Session must be not shorter than five hours, including the necessary time for appropriate opening exercises.

The time of opening and closing must be prescribed by the district board of trustees, subject to approval by the division superintendent, except that where an intermission of 30 minutes or more is given, no school may open later than 9 o'clock A. M. Regulation 100.

The School Month must consist of four weeks of five school days each. Regulation 122.

The School Holidays must be the same throughout a county, and for each succeeding school year must be designated and declared by the district boards, and approved by the county school board at its annual August meeting.

Upon the opening of the schools the division superintendent must notify teachers of the days so fixed. Except upon those days they may not, unless compelled to do so by unavoidable

circumstances, without the consent of the district board, close their schools on regular school days during the term for which engaged to teach, nor, without such consent, engage substitutes. Regulations 104, 132.

Patrons' Day.—Division superintendents must require the principal of every school to have a patrons' day on the school premises during the school term, the expenses, unless otherwise provided for, to be defrayed out of the district school funds by order of the district school board. It is the duty of teachers, in conjunction with the superintendent and district trustees, to arrange suitable public exercises, to which all patrons and friends of the school must be invited, and to take advantage of the opportunity to give patrons full information of the conditions and needs of the schools. Regulations 89, 132.

REPORTS

Teachers' Reports—

Teachers must make monthly and term reports to the superintendent of their division, and such special reports as he may from time to time require of them. Regulation 132.

District School Boards—

The division superintendent must require clerks of district school boards annually, or oftener if necessary, to make such detailed reports as he may prescribe of the statistics touching the public free schools of their respective districts. Regulation 84.

It is the further duty of the division superintendent to inspect from time to time during the year the record and account books of district school clerks to see that they are neatly and correctly kept, that all school funds are properly applied, and that the money set apart exclusively for the pay of teachers is not used for any other purpose. Regulation 73.

County Treasurers—

It is the duty of division superintendents to require county treasurers to report to them, on or before the 10th of December in each year and thereafter at intervals of three weeks until the close of the fiscal year, all details in connection with the receipt, apportionment, and disbursement of the school funds of the division—State and local. Regulation 74.

Division Superintendents—

The annual report required to be made by division superintendents to the superintendent of public instruction must be prepared on or before the first day of September, and cover, in the form prescribed, all particulars called for concerning the work of the school year ending the 30th of June preceding, and must be supplemented by an advisory report showing school conditions in their respective divisions and making such suggestions as seem good for the schools.

Until such report is received at the Department of Public Instruction, a division superintendent may not draw his August salary, or any subsequent installments of pay from the State treasury.

Unless otherwise directed by the superintendent of public instruction, it is the duty of a division superintendent to furnish a brief abstract of his annual report to every newspaper published in the county.

Regulation 71.

Division superintendents are further required to make regular monthly reports to the superintendent of public instruction in form prescribed by him, and special reports from time to time as he may require; to keep in a bound volume a record of his own official Acts, and to file methodically all official papers. Regulations 69, 90.

The *Superintendent of Public Instruction* has authority to require such reports from division superintendents, and special reports at any time from any officer connected with the public school system. He may also appoint persons, at his discretion, to visit or examine all or any part of the public free schools in the county wherein such persons reside and report to him touching all matters indicated by him respecting their condition and management and the means of improving them, but no allowance or compensation may be made such person for their services or expenses.

After due notice to the party concerned, the State Board of Education may impose upon any division superintendent, for failure to have his monthly or annual reports in place at the times stipulated above, or failure to furnish information as and when called for by the Department of Public Instruction, a fine of \$1.00 per day for every day's delay; provided that the amount of such fine for delay of a monthly or special report shall not exceed the amount of his salary for one month, and

the amount of such fine for delay of an annual report shall not exceed one-half the amount of his salary for three months.

Regulations 1(4), 70, 72, 81, 82.

In case of any vacancy in the office of division superintendent of schools occurring when the State Board of Education is not in session, the superintendent of public instruction has authority to designate a school trustee of the division until the vacancy can be regularly filled. Regulation 91.

Superintendent of Public Instruction—

It is the duty of the superintendent of public instruction to submit to the State Board of Education annually, on or before the 1st day of November in each year, a detailed report of his official proceedings for one year ending the 30th day of the preceding June, exhibiting a plain statistical account of receipts and expenditures for public free schools, and of their condition and progress, showing the number of children, male and female, white and colored, respectively, in the State, and in each county, city, and school district, between seven and twenty years of age; the average and total number at school during the year; wages paid teachers; the amount of each branch of school expenditures, severally; the cost of education per pupil, and whatever else may tend to show the degree of success and usefulness of the system; he is also at liberty, and it is his duty, to offer suggestions to the State Board of Education and to the General Assembly concerning matters pertaining to his department at any time that the public interests seem to him to require it. Regulation 1(11).

APPELLATE JURISDICTION

The action of division superintendents in revoking teachers' certificates is subject to appeal, if taken within sixty days from date of revocation, to the superintendent of public instruction.

From the decision of a division superintendent on the question of the attendance or cost of education of pupils attending school in other than their districts of residence, appeal may be taken by any person interested, or either of the two district school boards concerned, to the superintendent of public instruction.

In all cases not otherwise provided for, any teacher or school officer, or five or more interested heads of families, who may

feel themselves aggrieved by the acts of any person connected with the public school system, may, within ninety days after the happening of any such act, appeal to the superintendent of schools of their division. From his decision they have, upon a written presentation of all the evidence in the case, right of further appeal to the superintendent of public instruction, who, if he cannot satisfactorily adjust the matter, may, in his discretion, grant, upon application and evidence in writing, an appeal to the State Board of Education. The said board may, in its discretion, hear oral testimony after an appeal is granted; otherwise all evidence must be in writing.

The superintendent of public instruction must decide all appeals from decisions of division superintendents of schools when made in the prescribed form. He may, however, in his discretion, refer the matter to the State Board of Education, to which body the right of appeal lies for the final determination of all cases from decisions of the superintendent of public instruction.

Copies of all decisions of the superintendent of public instruction and of the State Board of Education must be kept on file in the office of the Department of Public Instruction open to the inspection of all persons concerned.

Regulations 1(6) (7), 20, 85, 125.

SCHOOL FUNDS

Scheme for Apportionment of State School Funds—

It is the duty of the superintendent of public instruction to annually prepare a scheme for the apportionment of the State school funds under § 1507 of the Code, with summaries of the data on which it is founded, and furnish copy of the scheme and of the summaries to the second auditor and to each division superintendent and county and city treasurer of the State. This apportionment scheme must be upon the basis of the number of children between seven and twenty years of age in each district, as shown by the census last taken, or, in default of that, upon the latest and best official authority accessible to the superintendent of public instruction. Regulation 1(9).

Disposition of State and County Funds—

The proceeds of *State and county school funds* must be used exclusively for the pay of teachers, except that any residue

which may remain after providing a fair scale of salaries for teachers may be used for the pay of drivers of school wagons. Regulation 103.

Scheme for Apportionment of Local School Funds—

It is the duty of every division superintendent to prepare annually, under direction of the county school board, a scheme for apportioning the State and county school funds among the districts, and furnish a copy to the county treasurer, to the clerk of each school district board, and to the editor of each newspaper published within the county. Whenever there is county school money in the treasury it is the superintendent's duty to take proper steps to have it apportioned to the districts of the county, and to notify district clerks in writing of the amount apportioned, as well as the amount of district tax in the hands of the treasurer, belonging to their respective districts, entering in the records, required to be kept, the full scheme and also the amount apportioned. Regulations 75, 76, 77.

Disposition of District Funds—

The *district school fund*, arising from the district school tax, is under the control of the district school board, and must be used for building and furnishing school houses and defraying the contingent expenses of the schools of the district. No part of it should be used for any other purpose until the district has been provided with comfortable, sightly, and well-furnished school houses. Any residue should be used, as far as possible, for the pay of teachers. Regulation 103.

Fines for Benefit of Literary Fund—

“The superintendent of public instruction of Virginia, by and with the advice of the attorney-general of this State, is authorized to take such steps and employ such attorneys and agents for the collection of fines due the Commonwealth for the benefit of the literary fund as may be deemed necessary, the said attorneys and agents to be paid for their services, out of actual collections made in each individual case, such compensation as may be agreed on in writing; provided that no such attorney or agent may be employed to enforce the collection of any fine which has been imposed during the term of office of any attorney for the Commonwealth now in office in this State. When such collections are made, the net amounts thereof must be turned into the treasury of the State to the credit of the literary fund

as provided by law, and the superintendent of public instruction, by and with the advice and coöperation of the attorney-general of this State, is authorized to make such compromise, settlement, and adjustment of said fines as may be deemed right and proper and for the best interests of the school funds of this State."

Regulation 135.

Building and Equipment of School Houses—

District school trustees should exercise the greatest care in the selection of plans and sites for school houses, and see to it that they are properly constructed and furnished with the necessary conveniences and appliances in accordance with the provisions of the school laws. Regulation 107.

Care of School Houses, etc.—

It is the duty of district school trustees to visit the schools while they are in operation in their respective districts and see that they are in proper condition, and in vacation see that the houses are securely locked and the school property carefully preserved.

It is the duty of teachers to see that the school houses in which they teach are kept clean and made comfortable and attractive, and they should encourage pupils to aid in this work. In case a school house is in unsuitable condition, or necessary supplies are needed, the teacher should report the facts at once to the clerk of the district school board or the nearest trustee.

Regulations 108, 132.

THE "SMITH-LEVER BILL"

Agricultural Extension Work

Appropriations—

The Act of Congress, approved May 8, 1914, familiarly known as the "Smith-Lever Bill," made the following appropriations in aid of agricultural and home economics extension work, available for distribution through the States of the Union in the proportions and under the conditions stated:

1. \$480,000.00 as a permanent annual appropriation, to be paid in semi-annual installments on the 1st of July and January in each year after the passage of said Act; \$10,000.00 to

each one of the forty-eight States which by action of its legislature assents to the provisions thereof.

2. \$600,000.00 additional for the fiscal year following that in which the foregoing appropriation first became available.

3. For each year thereafter, *for seven years*, a sum exceeding by \$500,000.00 the sum appropriated for each preceding year.

4. Thereafter there is permanently appropriated for each year the sum of \$4,100,000.00, *in addition to said sum of \$480,000.00.*

Distribution of the Appropriation.—Each State will continue to receive its \$10,000.00 per annum from the said \$480,000.00 appropriation, and the additional sums are to be allotted by the Secretary of Agriculture annually to each State qualified to participate, in the proportion which the rural population of each State bears to the total rural population of all the States, as determined by the next preceding Federal census.

Administration of the Fund.—The said Act provides that the work shall be inaugurated and administered in connection with the State agricultural colleges in the United States now receiving or hereafter to receive the benefits of the Act of Congress of July 2, 1862, entitled “An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and mechanic arts,” and the Act of Congress of August 30, 1890. In any State in which two or more such colleges have been or hereafter may be established, its legislative body must direct which of such colleges shall administer the allotments of said appropriations.

Purpose of the Work.—The purpose of the work is to aid in diffusing among the people of the United States useful and practical information on subjects relating to agriculture and home economics, and to encourage the application thereof, by giving instruction to persons not attending or resident in said colleges through field demonstrations, publication, and otherwise, carried on in such manner as may be mutually agreed upon by the Secretary of Agriculture and the said colleges, respectively.

Conditions of Participation.—Before the funds appropriated can become available for any college for any fiscal year, plans for the work to be carried on under this Act must be submitted

by the proper officials of each college and approved by the Secretary of Agriculture.

No payment out of the additional appropriations (that is, additional to the said \$480,000.00 permanent annual appropriation) may be made in any year to any State until an equal sum has been appropriated for that year by its legislature, or provided by State, county, college, or local authority, or individual contributions within the State, for the maintenance of the coöperative agricultural extension work provided for by said Act.

Payment of Appropriation.—The sums appropriated and distributed as above are payable in equal semi-annual installments on the 1st of January and July of each year by the Secretary of the Treasury upon the warrant of the Secretary of Agriculture out of the Treasury of the United States to the treasurer or other officer of the State duly authorized by law to receive the same.

On or before the 1st day of July in each year the Secretary of Agriculture must ascertain and certify to the Secretary of the Treasury as to each State whether it is entitled to receive its share of said annual appropriation and the amount it is entitled to receive. If a certificate of its appropriation is withheld from any State, the facts and reasons therefor must be reported to the President, and the amount involved kept separate in the Treasury until the expiration of the Congress next succeeding a session of the legislature of said State, in order that an appeal may be made to Congress from the determination of the Secretary of Agriculture. If the next Congress does not direct such sum to be paid, it shall be covered into the Treasury.

Restrictions as to use of Appropriations.—No portion of said moneys may be applied directly or indirectly to the purchase, erection, preservation, or repair of any building, or the purchase or rental of land, or in college-course teaching, lectures in colleges, promoting agricultural trains, or any other purpose not specified above, and not more than 5% of each annual appropriation may be applied to the printing and distribution of publications.

If any portion of the moneys received under the provisions of this Act shall by any action or contingency be diminished, lost, or misapplied, the same must be replaced by the State to

which it belongs, and until so replaced no subsequent appropriation may be apportioned or paid to such State.

Reports.—It is the duty of the treasurer or other officer of the State authorized to receive the semi-annual installments of said appropriations to report to the Secretary of Agriculture on or before the 1st day of September in each year a detailed statement of the amount so received during the previous fiscal year, and of its disbursement.

Each of said colleges is required, annually, on or before the 1st day of January, to make to the governor of the State in which it is located a full and detailed report of its operations in the direction of extension work as defined in said Act, including a detailed statement of receipts and expenditures from all sources for this purpose, a copy of which report must be sent to the Secretary of Agriculture and to the Secretary of the Treasury of the United States.

The Secretary of Agriculture must make an annual report to Congress of the receipts, expenditures, and results of the work in all the States receiving the benefit of this Act, and also whether the appropriation has been withheld from any State, and, if so, the reasons therefor.

Congress may at any time alter, amend, or repeal any or all the provisions of said Act.

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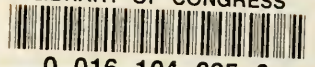
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